

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

MAY 18, 2010

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

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption
- 3. CONSENT AGENDA (Pages 7 - 29)**
- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 30 - 31)**
- 5. REGULAR AGENDA (Pages 32 - 38)**
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**SPECIAL MEETING OF THE SOLID WASTE AUTHORITY – 2:00 P.M.
(Separate Agenda)**

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file: Resolution No. R-12-10 of the Town Commission of the Town of Palm Beach Shores, Florida, expressing opposition to the proposed Palm Beach County 1% Fire Rescue Sales Surtax; memorializing the Town Commission's decision to decline participation with Palm Beach County in a proposed Interlocal agreement with Palm Beach County which a majority of fire rescue providers must execute as a condition precedent to the matter being considered by County electors; providing an effective date; and for other purposes. Countywide

2. Staff recommends motion to approve: a Memorandum of Understanding (MOU) with the Treasure Coast Regional Planning Council and the South Florida Regional Planning Council establishing a working partnership for the Sustainable Communities Initiative (SCI) grant application. **SUMMARY:** On March 9, 2010, Palm Beach County Board of County Commissioners (BCC) approved Resolution R2010-0313 supporting the Regional Planning Councils of Southeast Florida in preparing a comprehensive joint application under the Federal Sustainable Communities Initiative to improve regional planning efforts with the goal to establish a comprehensive regional plan to improve the Regions Sustainability. This MOU will show Palm Beach County's support for establishing a comprehensive regional plan or vision identifying critical projects and infrastructure to improve the Region's sustainability, and to assist and guide federal agencies in prioritizing and focusing future federal investment in Southeast Florida. **There is no local match required.** Countywide (DW)

3. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the Army Corp of Engineers to expedite the rehabilitation of the Herbert Hoover Dike (Dike) critical to the safety of the cities surrounding Lake Okeechobee (Lake) and to minimize the Economic Impact of these cities of Rural Economic Concern. **SUMMARY:** The Army Corp of Engineers released a construction timeline for the repair of the Dike that anticipate Reach 1 from Port Mayaca to Belle Glade in 2016, and the completion of Reaches 2 & 3 which includes South Bay, Lake Harbor and Clewiston in 2017. Route 2, the main boating channel that runs from Port Mayaca to Clewiston is a major economic generator in terms of tourism for the Lake communities. The Army Corp also has suspended any permits for the maintenance dredging of Route 2 until the completion of the Dike restorations which presents a significant economic impact to the region and marine industry. At the joint meeting between the Board of County Commissioners and the Cities of Belle Glade, Pahokee and South Bay, held on April 12, 2010, each entity agreed to pass a Resolution asking the Army Corp of Engineers to expedite the Dike rehabilitation critical to the safety and economic environment of the Lake communities. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. **Staff recommends motion to approve:** seven (7) project activities and Agreements with local governmental organizations for the Energy Efficiency/Conservation Competitive Grant Program totaling \$850,000 in the amounts indicated below for the contract period of May 4, 2010, to May 3, 2012:
- A) City of Atlantis in the amount of \$71,000;
 - B) City of Greenacres in the amount of \$91,648;
 - C) Constitutional Tax Collector Serving Palm Beach County in the amount of \$217,681;
 - D) Palm Beach State College in the amount of \$148,820;
 - E) Town of Haverhill in the amount of \$53,170;
 - F) Town of Lantana in the amount of \$217,681; and
 - G) Town of Ocean Ridge in the amount of \$50,000.

SUMMARY: On November 3, 2009 (R2009-1832), the Board of County Commissioners approved the program criteria for the Energy Efficiency and Conservation Block Grant (EECBG) Energy Efficiency/Conservation Competitive Grant Program totaling \$850,000 to provide local governmental organizations, who did not receive a formula-based award, an opportunity to implement energy efficiency and conservation improvements on public properties to reduce fossil fuel emissions, increase energy savings, and to create and/or retain jobs. A total of seven (7) applications were received. All project activities funded by EECBG funds are required to be submitted to the Department of Energy. The applicants and their projects were approved by DOE on March 1, 2010. These projects will create/retain a total of 53 FTE jobs. **These are federal funds that require no local match.** Countywide (DW)

5. **Staff recommends motion to approve:** Amendment No. 2 to Grant Agreement R2007-0447 with the Lake Okeechobee Regional Economic (LORE) Alliance, Inc. extending the expiration date from April 10, 2010 to April 9, 2011. **SUMMARY:** This Amendment will allow for the continued processing of seven (7) façade improvement projects for small business/property owners including one (1) design project funded under the Façade/Exterior and Architectural Grant Programs administered by LORE. Four (4) façade improvement projects are completed and the remaining projects are in development. Funds for improvements will be 100% matched or better by the business/property owners. These improvements will enhance the main corridors in the Glades communities and serve as a catalyst for other businesses in the area to improve their properties. Upon completion, LORE's contract totaling \$200,000 will have leveraged an estimated \$1,136,581 in capital investment. District 6 (DW)

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: None

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER (Cont'd)

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. Staff recommends motion to receive and file: change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during March 2010. Countywide

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: a Contract with Ranger Construction Industries, Inc. (Ranger), the lowest responsive, responsible bidder in the amount of \$6,385,196.10 for the construction of Military Trail from Clint Moore Road to Lake Worth Road (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to Ranger, a Palm Beach County company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15%, but the responsive bidders cannot be ranked for SBE compliance for this Project due to federal funding restrictions. The SBE and DBE participation proposed for the Project by Ranger is 6.66% and 0.00%, respectively. This is an American Recovery and Reinvestment Act (ARRA) project. Time to complete all work under this contract shall be no more than 330 calendar days. Districts 2, 3, 4 & 5 (MRE)
2. Staff recommends motion to:
 - A) approve** a Contract with H & J Contracting, Inc. (H & J), the lowest responsive, responsible bidder in the amount of \$5,551,422.15 for the construction of Congress Avenue from Lantana Road to south of Melaleuca Lane (Project); and
 - B) approve** a Budget Amendment of \$5,337,472 in the Road Impact Fee Fund – Zone 4 to recognize reimbursement funding from the Florida Department of Transportation - \$5,290,533; AT&T-\$17,804.48; FPL Fibernet-\$4,521.54; Comcast-\$10,815; City of Lake Worth-\$2,406.91 and City of Atlantis-\$11,391.30 and appropriate it to Congress Avenue from Lantana Road to south of Melaleuca Lane.

SUMMARY: Approval of this Contract and Budget Amendment will allow Palm Beach County to issue a Notice to Proceed to H & J, a Palm Beach County contractor, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for all projects is 15%, but the responsive bidders cannot be ranked for SBE compliance for this Project due to federal funding restrictions. The federally required non-mandatory Disadvantaged Business Enterprise (DBE) goal for the project is 8.18%. The SBE and DBE participation proposed for the Project by H & J is 15% and 0.00% respectively. Time to complete all work under this Contract shall be no more than 480 calendar days. District 3 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve:

A) a Contract with B & B Underground Contractors, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$901,056.37, for Project No. 2007056 and 2008131, the construction of street and drainage improvements for Roan Lane and Roan Court (Project);

B) a Joint Project Agreement with Seacoast Utility Authority (Seacoast) for the construction of the water and sewer improvements on Roan Lane; and

C) a Budget Amendment of \$322,076, in the Capital Outlay Fund to recognize reimbursement funding from Seacoast and appropriate it to Roan Lane Drainage Improvements.

SUMMARY: Approval of this Project will allow for reconstruction of existing water mains and services, construction of new storm sewer and drainage structures and overlay of existing asphalt roadway and driveways for Roan Lane. Roan Court will be completely reconstructed. The Contractor is a Palm Beach County company. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by Contractor is 17.99% overall. District 1 (MRE)

4. DELETED

5. Staff recommends motion to adopt: a Resolution vacating a portion of a two foot wide utility easement as recorded in Deed Book 267, Page 366, which lies within Lot B of the Replat of Part of Block 57, West Gate Estates, recorded in Plat Book 18, Page 94, Public Records of Palm Beach County, Florida. **SUMMARY:** Adoption of this Resolution will allow the petitioner to make way for the construction of a new Fire Rescue Station at the northwest corner of Oswego Avenue and Seminole Boulevard. The utility providers are utilizing other available utility easements in the area therefore this utility easement is no longer needed. District 2 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

6. Staff recommends motion to:

A) adopt a Resolution to amend the initial assessment roll to the actual cost of the project from \$33.75 per abutting foot to \$30.91 per abutting foot;

B) approve finalization of the assessment roll for El Paso Drive, Rodeo Drive, Pinto Drive and Yearling Drive Paving Improvement Project (Project);

C) approve authorizing the Tax Collector's Office to process and collect the assessment payments; and

D) approve the transfer of El Paso Drive and Yearling Drive (project number 2003135), Rodeo Drive (project number 2005129) and Pinto Drive (project number 2005130) to Palm Beach County owned and maintained roads.

SUMMARY: Finalization of the assessment roll for the Project will allow the assessment payments to be processed and collected by the Tax Collector's Office. The total assessable costs are \$1,142,433.60. The final assessment roll is attached. El Paso Drive, Rodeo Drive, Pinto Drive and Yearling Drive will be transferred from being Palm Beach County (County) courtesy maintained roadways to being County maintained roadways. District 6 (MRE)

7. Staff recommends motion to approve: Supplemental Agreement No. 6 to Project Agreement R2003-1658 in the amount of \$134,448.89 with Wantman Group, Inc. for professional services. **SUMMARY:** Approval of this Supplemental Agreement will provide the services necessary for the preparation of design plans and construction bid documents for Palmetto Park Road from west of Powerline Road to I-95. District 4 (PK)

8. Staff recommends motion to approve: a Contract with H & J Contracting, Inc. (Contractor), the lowest, responsive, responsible bidder, in the amount of \$117,228.03 for "A" Street Paving & Drainage Improvements (Project), No. 2006132. **SUMMARY:** Approval of this Project will allow construction of paving and drainage improvements for approximately 600 lineal feet (0.11 miles) of road on "A" Street. This work includes new pavement, driveway reconstruction, and a drainage stormwater management system. The Contractor is a Palm Beach County business. The Small Business Enterprise (SBE) goal for the Project is 15%. The SBE participation committed for the Project by the Contractor is 16.77% overall. District 3 (MRE)

9. Staff recommends motion to approve: a Task Authorization to the Annual Agreement R2008-0164 in the amount of \$61,020.52 with Erdman Anthony of Florida, Inc. for professional services. **SUMMARY:** Approval of this Task Authorization will provide the professional services necessary for the preparation of design plans and construction bid documents for Caroline Avenue crossing over Lake Worth Drainage District L-3 Canal bridge replacement. Districts 2 & 6 (PK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

10. **Staff recommends motion to adopt:** a Resolution to approve a Joint Participation Agreement (JPA) for the enhancement and operation of the traffic signal system with the Florida Department of Transportation (FDOT). **SUMMARY:** Adoption of this Resolution and approval of this JPA will provide for continued funding for seven (7) staff positions through the FY 2014/2015. FDOT desires to extend its current funding for the enhancement and operation of the traffic signal system through FY 2014/2015. The JPA will provide continuance of salaries for seven (7) staff members associated with the Intelligent Traffic System Center and the Signal System Operations. The total funding is not to exceed \$2,500,000 for the duration of this JPA and not to exceed \$500,000 per year, as shown in the Exhibit B of this JPA. Countywide (MRE)

E. COMMUNITY SERVICES

1. **Staff recommends motion to receive and file:** Contract 10EA-8F-10-60-01-023 Low Income Home Energy Assistance Program (LIHEAP) with the State of Florida Department of Community Affairs for the period March 1, 2010, through March 31, 2011, in an amount not-to-exceed \$4,394,090 for energy assistance. **SUMMARY:** The fully executed document (R2010-0322) has been returned to Community Action and requires submission to the Clerk's office for filing. LIHEAP funds of \$4,394,090 will enable Palm Beach County Community Action Program to provide assistance to 10,120 low-income households with energy bills and crisis assistance to prevent service disconnection or restore utility service. (Community Action Program) Countywide (TKF)

2. **Staff recommends motion to:**

A) adopt Resolution repealing and replacing Resolution R2006-1878 regarding the Head Start/Early Head Start Policy Council; and

B) approve the Policy Council By-Laws.

SUMMARY: A modified Resolution is necessary to accommodate changes in the Head Start Act of December 2007. The Head Start Act of 2007 also requires that the Policy Council By-Laws are approved by the Board of County Commissioners. (Head Start) Countywide (TKF)

3. **Staff recommends motion to approve:** Contract for Provision of Financial Assistance with Oakwood Center of the Palm Beaches, Inc. for the period of May 23, 2010, through May 22, 2011, in an amount of \$191,880, for 15 permanent housing beds for disabled, homeless individuals. **SUMMARY:** This Contract with Oakwood Center of the Palm Beaches, Inc. is a collaborative with the Division of Human Services funded under a Housing and Urban Development (2009 HUD) Shelter Plus Care Program Grant. The grant provides rental assistance for permanent housing beds for 15 homeless, disabled individuals. No local match is required by the County for this grant. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve:

A) Standard Contract No. XI510 for the Senior Companion Program (SCP) state grant funds totaling \$25,777 with the Florida Department of Elder Affairs for the period March 1, 2010, through June 30, 2010, for volunteer services; and

B) Budget Amendment of \$25,777 in the Division of Senior Services (DOSS) Administration Fund to establish grant budget, contingent upon grant award.

SUMMARY: The purpose of this new SCP is to match volunteers, age 55 and older, with frail, homebound, at-risk elders and their caregivers to assist them in living independently in their own homes and communities and to demonstrate need for the program so that funds can be secured in future years. Under this Contract, DOSS will provide a volunteer stipend reimbursement at the rate of \$2.65 per hour for a maximum of 5,220 volunteer service hours. Services include in-home respite, escorted transportation, shopping assistance, homemaking, companionship, as well as one-on-one assistance to elders in center-based respite programs, congregate meal sites, adult day care centers, and assisted living facilities. DOSS will provide the overall supervision of the volunteers. No County match is required. (DOSS) Countywide (TKF)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to adopt: a Resolution authorizing the execution of a First Amendment to Loan Agreement in connection with the extension of the County's line of credit in the principal amount of \$38,776,332, dated May 21, 2009 with Wells Fargo Bank that satisfies the debt service reserve fund requirements for seven (7) of the County's outstanding bond issues; authorizing the execution of a separate First Amendment to Loan Agreement in the principal amount of \$22,568,948 in connection with the extension of the County's separate line of credit with Wells Fargo Bank (the Bank), dated June 4, 2009 that satisfies the debt service fund requirements for four other County bond issues and providing an effective date. **SUMMARY:** Under the terms of the loan agreements, the County requested that the Bank extend the maturity date for each Loan Agreement for one (1) year. The Bank has agreed to extend the Loans Agreements for one (1) year with all other terms and conditions remaining unchanged. The County will continue to pay an annual fee of .65% (\$398,774) for the letters of credit issued to satisfy the debt service reserve requirements under the Loan Agreements. The County expects to continue to renew the Loan Agreements each year. The annual fees will be included in the FY 2011 Budget. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a Contract with Robling Architecture Construction, Inc. for the Job Order Contract (JOC) - South (Bond-Waiver) with a maximum value of \$1,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity, fixed unit price contract that has a minimum value of \$35,000 and a maximum value of \$1,500,000. The contract will terminate when a total of \$1,500,000 in work orders is issued or when the one (1) year time period has expired, whichever comes first. The contract provides for four (4) – one (1) year renewals at the sole option of the County. Robling Architecture Construction, Inc. will perform work identified by the County on a work order basis, in accordance with the following cost factor adjustments to the Unit Price Books:

- 0.9800 Project requires work to be performed during normal working hours;
- 0.9900 Project requires work to be performed outside normal working hours; and
- 1.0950 Project requires work not included in the Unit Price Books (Non-Pre-Priced)

This is a bond-waiver contract. The cumulative value of active bond waiver work orders at any time will be limited to \$200,000. JOC Bond Waiver contract projects that exceed the \$200,000 bond waiver limit (but are within the contract limit) individually or cumulatively, will require a bond. The Small Business Enterprise (SBE) goal established for this Contract is 15%. Robling Architecture Construction, Inc. is a Palm Beach County based company. (FDO Admin) Countywide (JM)

2. Staff recommends motion to approve: a Contract with Sisca Construction Services, LLC for the Job Order Contract (JOC) - South (Bond-Waiver) with a maximum value of \$1,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity, fixed unit price contract that has a minimum value of \$35,000 and a maximum value of \$1,500,000. The contract will terminate when a total of \$1,500,000 in work orders is issued or when the one (1) year time period has expired, whichever comes first. The contract provides for four (4) – one (1) year renewals at the sole option of the County. Sisca Construction Services, LLC will perform work identified by the County on a work order basis, in accordance with the following cost factor adjustments to the Unit Price Books:

- 0.9800 Project requires work to be performed during normal working hours;
- 1.0000 Project requires work to be performed outside normal working hours; and
- 1.1000 Project requires work not included in the Unit Price Books (Non-Pre-Priced)

This is a bond-waiver contract. The cumulative value of active bond waiver work orders at any time will be limited to \$200,000. JOC Bond Waiver contract projects that exceed the \$200,000 bond waiver limit (but are within the contract limit) individually or cumulatively, will require a bond. The Small Business Enterprise (SBE) goal established for this Contract is 15%. Sisca Construction Services, LLC is a Palm Beach County based company. (FDO Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. **Staff recommends motion to approve:** a Contract with Holt Contractors, Inc. for the Job Order Contract (JOC) - North with a maximum value of \$2,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity, fixed unit price contract that has a minimum value of \$35,000 and a maximum value of \$2,500,000. The contract will terminate when a total of \$2,500,000 in work orders is issued or when the one (1) year time period has expired, whichever comes first. The contract provides for four (4) – one (1) year renewals at the sole option of the County. Holt Contractors, Inc. will perform work identified by the County on a work order basis, in accordance with the following cost factor adjustments to the Unit Price Books:

- 0.9500 Project requires work to be performed during normal working hours;
- 0.9620 Project requires work to be performed outside normal working hours; and
- 1.1000 Project requires work not included in the Unit Price Books (Non-Pre-Priced)

The Small Business Enterprise (SBE) goal established for this Contract is 15%. Holt Contractors, Inc. is a Palm Beach County based company. (FDO Admin) Countywide (JM)

4. **Staff recommends motion to approve:** a Contract with All-Site Construction, Inc. for the Job Order Contract (JOC) - North with a maximum value of \$2,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity, fixed unit price contract that has a minimum value of \$35,000 and a maximum value of \$2,500,000. The contract will terminate when a total of \$2,500,000 in work orders is issued or when the one (1) year time period has expired, whichever comes first. The contract provides for four (4) – one (1) year renewals at the sole option of the County. All-Site Construction, Inc. will perform work identified by the County on a work order basis, in accordance with the following cost factor adjustments to the Unit Price Books:

- 0.9699 Project requires work to be performed during normal working hours;
- 0.9804 Project requires work to be performed outside normal working hours; and
- 1.0527 Project requires work not included in the Unit Price Books (Non-Pre-Priced)

The Small Business Enterprise (SBE) goal established for this Contract is 15%. All-Site Construction, Inc. is a Palm Beach County based company. (FDO Admin) Countywide (JM)

5. **Staff recommends motion to approve:** a Contract with F.H. Paschen, S.N. Nielsen & Associates, Inc. for the Job Order Contract (JOC) - Central with a maximum value of \$2,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity, fixed unit price contract that has a minimum value of \$35,000 and a maximum value of \$2,500,000. The contract will terminate when a total of \$2,500,000 in work orders is issued or when the one (1) year time period has expired, whichever comes first. The contract provides for four (4) - one (1) year renewals at the sole option of the County. F.H. Paschen, S.N. Nielsen & Associates, Inc. will perform work identified by the County on a work order basis, in accordance with the following cost factor adjustments to the Unit Price Books:

- 0.8797 Project requires work to be performed during normal working hours;
- 0.8897 Project requires work to be performed outside normal working hours; and
- 1.1000 Project requires work not included in the Unit Price Books (Non-Pre-Priced)

The Small Business Enterprise (SBE) goal established for this Contract is 15%. F.H. Paschen, S.N. Nielsen & Associates, Inc. is a Dade County based company. (FDO Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. **Staff recommends motion to approve:** a Contract with H.A. Contracting Corp. for the Job Order Contract (JOC) - Central with a maximum value of \$2,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity, fixed unit price contract that has a minimum value of \$35,000 and a maximum value of \$2,500,000. The contract will terminate when a total of \$2,500,000 in work orders is issued or when the one (1) year time period has expired, whichever comes first. The contract provides for four (4) – one (1) year renewals at the sole option of the County. H.A. Contracting Corp. will perform work identified by the County on a work order basis, in accordance with the following cost factor adjustments to the Unit Price Books:

- 0.8798 Project requires work to be performed during normal working hours;
0.9398 Project requires work to be performed outside normal working hours; and
1.0793 Project requires work not included in the Unit Price Books (Non-Pre-Priced)

The Small Business Enterprise (SBE) goal established for this Contract is 15%. H.A. Contracting Corp. is a Palm Beach County based company. (FDO Admin) Countywide (JM)

7. **Staff recommends motion to approve:** Contract with Gentile Holloway O'Mahoney & Associates, Inc. to provide property development evaluation services on a continuing contract basis for Facilities Development & Operations Department projects. **SUMMARY:** The purpose of this Contract is to have a consultant under contract to provide planning, engineering, and related consulting services for Facilities Development & Operations Department efforts to evaluate the developability of existing County-owned property and potential land acquisition parcels. Consultant fees will be negotiated on an individual basis for the identified project. This Contract will be for two (2) years with two (2) - one (1) year extension options. Gentile Holloway O'Mahoney & Associates, Inc. is a Palm Beach County firm using 100% Palm Beach County subconsultants. The Small Business Enterprise (SBE) goal for this Contract is 15%. Gentile Holloway O'Mahoney & Associates, Inc. anticipates 100% SBE participation. (Capital Improvements Division) Countywide (JM)

8. **Staff recommends motion to approve:** Contract with Urban Design Kilday Studios to provide property development evaluation services on a continuing contract basis for Facilities Development & Operations Department projects. **SUMMARY:** The purpose of this Contract is to have a consultant under contract to provide planning, engineering, and related consulting services for Facilities Development & Operations Department efforts to evaluate the developability of existing County-owned property and potential land acquisition parcels. Consultant fees will be negotiated on an individual basis for the identified project. This Contract will be for two (2) years with two (2) - one (1) year extension options. Urban Design Kilday Studios is a Palm Beach County firm as are all their sub consultants. The Small Business Enterprise (SBE) goal for this Contract is 15%. Urban Design Kilday Studios anticipates 94% SBE participation. (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: a Second Amendment to the Agreement (R2004-0901) with Good Samaritan Medical Center, Inc. (Hospital) to extend the term of the Agreement until May 18, 2013. **SUMMARY:** The Agreement with the Hospital, which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, expires on May 18, 2010. The Agreement provides for three (3) renewal options, each for a period of three (3) years. Both parties must approve the renewal option. The Hospital has approved a renewal to extend the term of the Agreement until May 18, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment renews the term, updates the notice provisions and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein and a few minor changes all other terms and conditions remain the same. (ESS) Countywide (JM)

10. Staff recommends motion to approve: a Second Amendment to the Agreement (R2004-0897) with Boca Raton Community Hospital, Inc. (Hospital) to extend the term of the Agreement until May 18, 2013. **SUMMARY:** The Agreement with the Hospital, which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, expires on May 18, 2010. The Agreement provides for three (3) renewal options, each for a period of three (3) years. Both parties must approve the renewal option. The Hospital has approved a renewal to extend the term of the Agreement until May 18, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment renews the term, updates the notice provisions and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein and a few minor changes all other terms and conditions remain the same. (ESS) Countywide (JM)

11. Staff recommends motion to approve: a First Amendment to the Agreement (R2006-2427) with the State of Florida, State Attorney's Office, 15th Judicial Circuit (Office) to extend the term of the Agreement until November 20, 2014. **SUMMARY:** The Agreement with the Office, which provides the terms and conditions under which the Office can directly access the County's 800 MHz Radio System expires on November 20, 2010. The Agreement provides for two (2) renewal options, each for a period of four (4) years. Both parties must approve the renewal option. The Office has approved a renewal to extend the term of the Agreement until November 20, 2014. The renewal now requires Board approval. The terms of this Agreement are standard and have been offered to all municipalities and local branches of State/Federal agencies where connection through an established municipal hub is not technically feasible. The annual fees are consistent with those being charged to the County departments. The Office is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause, on October 1st of any year, with a minimum of six (6) months notice. This First Amendment renews the term, updates the notice provisions and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein and a few minor changes all other terms and conditions remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

12. Staff recommends motion to approve: a Utility Easement Agreement in favor of Florida Public Utilities (FPU) in order to tie into a natural gas transmission line on Benoist Farms Road bordering Fire Station No. 34 in unincorporated West Palm Beach. **SUMMARY:** Florida City Gas (City Gas) operates a natural gas transmission line that runs north and south on Benoist Farms Road in front of Fire Station No. 34. FPU will be expanding its service to customers in this area and needs to tie into the City Gas line in order to obtain access to the gas supply. FPU requires an easement from the County for the installation of an underground gas line and an above ground transfer station. The easement area is 20' wide and 40' long and contains 800 square feet (0.02 acres). This non-exclusive easement is being granted at no charge in exchange for FPU providing a gas line to the fire station building. (PREM) District 6 (HJF)

13. Staff recommends motion to:

A) adopt a Resolution authorizing the conveyance of the County's interest in 13 properties totaling 1.27 acres of surplus property to the City of Lake Worth without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 197.592(3);

B) adopt a Resolution authorizing the conveyance of the County's interest in two (2) properties totaling .09 acres of surplus property to the City of Lake Worth without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration pursuant to Florida Statutes Section 125.38; and

C) approve 15 County Deeds in favor of the City of Lake Worth.

SUMMARY: The City of Lake Worth has requested the conveyance of 15 County-owned vacant surplus properties. Thirteen (13) of the properties were acquired by Tax Deeds between 1945 and 2004. Two (2) of the properties were purchased by County Right-of-Way in 1966 and 1967. The properties total 1.36 acres, are located within the City's municipal boundaries and have a total assessed value of \$241,502. The two (2) Right-of-Way purchased properties are being conveyed pursuant to Florida Statutes Section 125.38 governing sale of county property to municipalities. The balance of the properties are being conveyed pursuant to Florida Statutes Section 197.592(3), which requires the conveyance of surplus property acquired by Tax Deed to the municipality in which it is located. The subject properties have been declared surplus as they serve no present or future County purpose. The City proposes to utilize the properties for housing, landscaping or community related programs. Staff believes that these properties will be more appropriately developed, managed and maintained by the City. Housing & Community Development has reviewed this conveyance and has no objections. This conveyance will relieve the County of potential liability for occurrences on these properties and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Florida Statutes Section 270.11, without rights of entry and exploration. (PREM) Districts 3 & 7 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

14. **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, 2010. Exercising this ninth option will extend the term to May 31, 2011. There remain 12 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)
15. **Staff recommends motion to approve:** a Contract with M.A.C. Construction Inc. for the Job Order Contract (JOC) - Central with a maximum value of \$2,500,000. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity, fixed unit price contract that has a minimum value of \$35,000 and a maximum value of \$2,500,000. The contract will terminate when a total of \$2,500,000 in work orders is issued or when the one (1) year time period has expired, whichever comes first. The contract provides for four (4) – one (1) year renewals at the sole option of the County. M.A.C. Construction Inc. will perform work identified by the County on a work order basis, in accordance with the following cost factor adjustments to the Unit Price Books:
- 0.9000 Project requires work to be performed during normal working hours;
 - 0.9450 Project requires work to be performed outside normal working hours; and
 - 1.0500 Project requires work not included in the Unit Price Books (Non-Pre-Priced)
- The Small Business Enterprise (SBE) goal established for this Contract is 15%. M.A.C. Construction Inc. is a Palm Beach County based company. (FDO Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

16. Staff recommends motion to approve: Task Order No. 1 against Master Service Agreement (MSA) No. 112842UA-1 with AT&T Corp. (R2009-0199) in the amount of \$585,983.07 providing for professional services, server hardware and application software associated with the Video Visitation System (VVS). **SUMMARY:** The approved Jail Expansion Program includes the implementation of VVS to reduce: 1) overall operating costs, and 2) security and contraband risks within the detention facilities. The heart of the VVS contemplated will include an automated scheduling component that will be visitor friendly and accessible on the Internet. While the VVS will perform the scheduling of the visits and make the communications connections allowing the video teleconference to take place, the performance of the VVS and success of the system is largely dependent on: 1) the accuracy of the data fed to it from the Inmate Management System (IMS), 2) the functionality of the IMS integrating into routine jail operations, and 3) the functionality of the bridge between the IMS and VVS. In 2009, an Agreement for the system design and testing hardware was executed by the Department Director as a construction purchase under \$200,000. In order to complete the VVS, two (2) separate task orders will be issued against the MSA. Task Order No. 1 includes the purchase, delivery and install of the core server system at the Central Video Visitation Center and the development of the communications bridge between the IMS and VVS. This will allow VVS to be populated with data and allow Sheriff's Office staff to begin testing and operating the bridge between the IMS and VVS and the reservation system prior to commencing the actual video teleconference visits. The Contract includes the annual license fee, software and hardware support services (including upgrades) through June 1, 2013. The term of the Contract is through June 1, 2010 unless otherwise extended or terminated. (ESS) Countywide (JM)

17. Staff recommends motion to approve: a Second Amendment to the Agreement (R2004-0896) with Wellington Regional Medical Center (Hospital) to extend the term of the Agreement until May 18, 2013. **SUMMARY:** The Agreement with the Hospital, which provides the terms and conditions under which the Hospital can program into its radios and utilize the countywide and EMS common talk groups for certain types of inter-agency communications, expires on May 18, 2010. The Agreement provides for three (3) renewal options, each for a period of three (3) years. Both parties must approve the renewal option. The Hospital has approved a renewal to extend the term of the Agreement until May 18, 2013. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to other hospitals and EMS providers. There are no charges associated with this Agreement. The Hospital is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the System. The Agreement may be terminated by either party, with or without cause. This Second Amendment renews the term, updates the notice provisions and provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Other than the changes set forth herein and a few minor changes all other terms and conditions remain the same. (ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** a Reimbursement to the City of Lake Worth for street improvements on Latona Avenue in the amount of \$32,936.13, and for park improvement in Memorial Park in the amount of \$32,972.06. **SUMMARY:** Approval of this Agenda Item will reimburse the City of Lake Worth (City) for expenses already incurred for improvements to Latona Avenue and to Memorial Park, which have been completed. The City entered into a funding Agreement (R2006-0354) with Palm Beach County for street improvements on Latona Avenue on February 28, 2006, and entered into a funding Agreement (R2008-0970) with the County for the development of a multi-purpose sports field in Memorial Park on June 3, 2008. These Agreements expired on October 31, 2009 and October 30, 2009, respectively. These reimbursements could not be processed before the Agreements expired due to delays in the receipt of grant compliance documentation from the City which experienced staffing changes. The documentation has been received thereby enabling these reimbursements. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

2. **Staff recommends motion to approve:** an Agreement with the City of Lake Worth for the construction of a restroom building at Howard Park in the amount of \$85,021.60 for the period of May 18, 2010, through December 31, 2010. **SUMMARY:** This Agreement provides Community Development Block Grant funds for the continuation of a project that was commenced under Agreement (R2008-0871) which has expired. The \$130,000 funded through the expired Agreement, less funds expended on the project to date are being recommitted to the project through this Agreement. Under this Agreement, the City will receive the remaining \$85,021.60 for the construction of a restroom building at the southwest corner of Washington Avenue and Wingfield Street in Howard Park. The City has received bids and awarded a construction contract for this work. Work is in progress, and the County has already reimbursed the City \$44,987.40 for completed work that was paid for by the City. **These are Federal Community Development Block Grant funds that require no local match.** District 7 (TKF)

3. **Staff recommends motion to approve:** a Conditional Grant Agreement with Delray Beach Community Development Corporation (DBCDC), for \$120,000 in State Housing Initiative Partnership (SHIP) rehabilitation funds. **SUMMARY:** On April 21, 2009, the Board of County Commissioners (BCC) approved agenda item (3I-7) and a County Agreement with the Delray Beach Community Development Corporation (DBCDC), to provide \$150,000 in rehabilitation expenses for conversion of a six (6)-unit rental development into six (6) homeowner units for low and very-low income households. The DBCDC was reimbursed \$30,000 prior to the agreement's expiration on May 29, 2009. The Commission on Affordable Housing's Advisory Committee originally recommended this project on April 24, 2008 and again on March 26, 2009. This Agreement will reimburse the costs incurred on or after July 1, 2008 for the 2008-2009 State SHIP fiscal year funding. This project was delayed due to Internal Revenue Service actions affecting the project site. These issues have now been resolved. The total project costs are \$1,125,000. **These are State funds that require no local match.** District 7 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to receive and file: two (2) Standard Development Agreements complete with executed documents received during the month of March 2010:

Standard Development Agreements

A) Mazzoni Farms, Inc.	(District 5)	05-01105-000
B) Mazzoni Farms, Inc.	(Reclaimed) (District 5)	05-90023-000

SUMMARY: The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department’s Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including potable water and wastewater agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539). After these Agreements are executed by the developer and the Department, they must be recorded by the County Clerk’s Office. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) adopt a Resolution for Assistance through Florida Inland Navigation District (FIND) Waterways Assistance Program authorizing submission of a grant application requesting \$406,250 to cover a portion of the \$812,500 associated with construction of the John’s Island Oyster Reef Project (Phase 2) situated in the Lake Worth Lagoon (LWL);

B) adopt a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$1,275,000 to cover a portion of the \$4,388,000 associated with construction of the South Cove Restoration and Boardwalk situated in the LWL and the City of West Palm Beach;

C) adopt a Resolution for Assistance through FIND Waterways Assistance Program authorizing submission of a grant application requesting \$739,859.43 to cover a portion of the \$1,479,718.86 associated with construction of the Jupiter Ridge Shoreline Restoration Project;

D) authorize the County Administrator, or his designee, to sign the project agreements, all future time extensions, task assignments, certifications, statements and other forms associated with these documents, and any necessary minor amendments that do not change the scope of work or terms and conditions of these documents; and

E) authorize the Director of the Department of Environmental Resources Management to serve as Liaison Agent with FIND for these projects.

SUMMARY: The County will be submitting three (3) grant proposals which will reimburse the County nearly \$2.5 million for projects that are approved to go forward or part of an approved management plan. Specifically, the grant proposals would reimburse the County for \$406,250 (John’s Island Oyster Reef Project – Phase 2); \$1,275,000 (South Cove Restoration and Boardwalk); and \$739,859.43 (Jupiter Ridge Shoreline Restoration). If successful in receiving approval(s) for funding, the deadline for spending the grant(s) will be September 2013. The County’s share for each grant request is funded with a combination of State grants, inter-local agreements, Vessel Registration funds, Natural Areas Fund, and Manatee Protection funds. Districts 1 & 2 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 1 to the Amended and Restated Interlocal Agreement with the Solid Waste Authority (SWA) of Palm Beach County for the supply of fill material from a portion of the Cypress Creek Natural Area known as the Hatcher Property. **SUMMARY:** The County and SWA entered into an Amended and Restated Interlocal Agreement (AR Agreement) on April 7, 2009 (R2009-0575), whereby the County is to provide approximately 2.2 million cubic yards of acceptable fill material from the Hatcher Property to SWA, the cost of such fill material has been prepaid by SWA. The County and SWA (the Parties) have also entered into an Interlocal Agreement for the sale and delivery of fill material from the County's Winding Waters Project (R2008-1373) which provides that the County is to supply SWA with approximately 1.4 million cubic yards (2.1 million tons) of fill material. The County's production of fill material from the Winding Waters Project will exceed the contract quantity and the Parties agree that SWA will accept an excess quantity of fill material as a credit against the Hatcher quantity owed by County to SWA under the AR Agreement. District 1 (SF)

3. **Staff recommends motion to approve:** a Consent of Easement with the United States Army Corps of Engineers (USACE) for installing riprap and native estuarine vegetation associated with the Jupiter Ridge Shoreline Restoration Project as part of a grant application with the Florida Inland Navigation District (FIND). **SUMMARY:** A Consent of Easement Agreement is required to be executed between the County and the USACE prior to the commencement of construction activities. The executed Consent to Easement agreement is also required by FIND in order to make the Jupiter Ridge Shoreline Restoration Project eligible to receive funding under the Waterway Assistance Program. District 1 (SF)

4. **Staff recommends motion to approve:**
 - A) Amendment No. 1 to extend the continuing Contract (R2008-0877) with Coastal Planning and Engineering, Inc. (CPE) for professional coastal and marine engineering services on a countywide basis and incorporate the requirements and fee of the Office of the Inspector General into the Contract; and
 - B) Amendment No. 1 to extend the continuing Contract (R2008-0878) with Humiston and Moore Engineers (Humiston) for professional coastal and marine engineering services on a countywide basis and incorporate the requirements and fee of the Office of the Inspector General into the Contract.

SUMMARY: CPE (R2008-0877), a Palm Beach County company, and Humiston (R2008-0878), a Naples company, were selected in accordance with County procedures for the Consultant's Competitive Negotiations Act (CCNA) and awarded Contracts on May 20, 2008. The County is exercising the only renewal option to extend both Contracts through May 19, 2011. These Amendments will also add the necessary language to the Contracts regarding the applicability of the Inspector General Ordinance (IG Ordinance) and the inclusion of the Inspector General fee into future task orders with CPE and Humiston. Authorizations are on a task order basis. CPE was issued \$611,270 in orders since May 20, 2008 and Humiston was issued \$350,637 in orders since May 20, 2008. CPE's Contract requires 20% Small Business Enterprise (SBE) and/or Minority and Women Business Enterprise (M/WBE) participation; it has achieved 15.1% participation. Humiston's Contract requires 25% SBE and/or M/WBE participation; it has achieved 18.9% participation. Countywide (JM)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to approve: Supplement No. 1 to 0410-12 to a continuing Contract (R2008-0410) with Taylor Engineering, Inc. (Taylor) in the amount of \$218,036.64 for sea turtle monitoring services in association with the Singer Island Erosion Control Project, the Ocean Ridge Shoreline Protection Project, the South Lake Worth Inlet Maintenance Dredging Project, the South Lake Worth Inlet Sand Transfer Plant Reconstruction Project and to provide sea turtle data management and analysis services, and incorporate the requirements and fee of the Office of the Inspector General into the Supplemental Agreement. **SUMMARY:** The BCC approved the Contract with Taylor, a Palm Beach County company, on March 11, 2008 (R2008-0410). Twelve (12) task orders totaling \$2,114,116 have been issued under the Contract. This Supplemental Agreement to Task Order 0410-12 authorizes Taylor to manage sea turtle monitoring activities during the 2010 sea turtle nesting season. The Supplemental Agreement is funded from a combination of tourist development taxes, and interest, with approximately 60% of the funding from State, Federal, municipal, and special district funding agreements. There is 71.0% Small Business Enterprise (SBE) sub consultant participation on the Supplemental Agreement. Taylor committed to an overall 15% SBE-MBE participation in the Contract. Taylor has achieved 21.3% cumulative SBE-MBE participation on the Contract including this Supplemental Agreement. The Agreement also includes language regarding the applicability of the Inspector General Ordinance and the inclusion of the Inspector General fee. Districts 1, 4, & 7 (JM)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with Redemptive Life Fellowship Urban Initiative Corporation for the period May 18, 2010, through July 15, 2010, in an amount not-to-exceed \$2,500 for funding of the Palm Beach Youth Jam 2009. **SUMMARY:** Funding for this, project was approved by the Board of County Commissioners on August 18, 2009 (6A-5). The funding will help offset costs for the Palm Beach Youth Jam 2009 for at-risk youth held by Redemptive Life Fellowship Urban Initiative Corporation on October 24, 2009. Approximately 1,000 youth and adults participated in the event. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to October 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. Staff recommends motion to:

A) ratify the Chair's signature on a FY 2009-2010 State of Florida Department of Environmental Protection (FDEP) Land and Water Conservation Fund (L&WCF) grant application submitted on April 13, 2010, requesting \$200,000 for John Prince Memorial Park Phase IV Improvements;

B) authorize the County Administrator or his designee to execute the grant project Agreement and all future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the scope of work or 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 the FDEP for this project.

SUMMARY: This Grant Application requests \$200,000 from the L&WCF for the John Prince Memorial Park Phase IV Improvements. Project elements include the renovation of the existing volleyball court, restroom, lakeside bike trail, playground, group shelter, parking lot and landscaping, as well as construction of new parking and landscaping, bike trail, canoe/kayak launch, horseshoe pit, and picnic facilities. The total project cost identified in this grant application is \$400,000. The requested grant is for \$200,000 and requires a \$200,000 match which will be funded from Zone 2 Park Impact Fees. If the grant is awarded, and once the project is complete, the grant project agreement requires a Notice of Limitation of Use to be recorded in public records limiting the project site to outdoor recreation for the use and benefit of the public in perpetuity. District 3 (AH)

3. Staff recommends motion to:

A) approve Budget Transfer of \$500,000 within the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum from Delray Beach Intracoastal Park to the Lantana Intracoastal Fishing Pier project; and

B) authorize the County's Engineering Department to move forward with the design and permitting of the Lantana Intracoastal Fishing Pier project.

SUMMARY: The District 4 Commissioner has requested that the Board reallocate \$500,000 from the Delray Beach Intracoastal Park project to the Lantana Intracoastal Fishing Pier project. Initial cost estimates for the fishing pier are approximately \$450,000 with a \$50,000 contingency. Funding for the Lantana Intracoastal Fishing Pier project includes the design, engineering, permitting and construction of an approximately 3,360 square feet fishing pier. Upon Board approval, the County's Engineering Department will proceed with design and permitting services for the Lantana Intracoastal Fishing Pier project. District 4 (PK)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to:

A) approve a Literacy Coalition of Palm Beach County AmeriCorps Site Application for the County Library's participation in a Literacy AmeriCorps Palm Beach County Project for the period August 23, 2010, through August 22, 2011.

B) authorize the County Administrator or his designee to execute any other necessary forms and certifications.

SUMMARY: This site application, if approved, will provide the County Library with one (1) full-time AmeriCorps member for one (1) year. This member will contribute 32 hours per week offering conversational English programs and overseeing the computer learning lab. The Library will pay a service fee of \$5,250 to the Coalition and business-related mileage to the member up to \$2,750. Literacy AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health care coverage. The County Library has participated with the Literacy Coalition Partnership since 2005. Funds will be provided through the Library's FY 2010 and 2011 operating budgets and will have minimal fiscal impact. Countywide (TKF)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve:

A) an Interlocal Agreement for \$75,000 with the Palm Beach County Sheriff's Office (PBSO) as a partner to support the law enforcement component of the Youth Violence Prevention Project (YVPP) for the period of October 1, 2009, to September 30, 2010;

B) a Budget Transfer of \$75,000 in the American Recovery and Reinvestment Act – Justice Assistance Grant (ARRA JAG) Fund to increase budget for PBSO; and

C) a Budget Amendment for \$75,000 in the Sheriff's Grant Fund to recognize the transfer from the ARRA JAG Fund.

SUMMARY: Palm Beach County has received a direct award of \$1,246,822 as part of the FY2009 American Recovery and Reinvestment Act - Justice Assistance Grant (JAG): Local Solicitation. This award was received and filed by the Board of County Commissioners on October 6, 2009 as R2009-1700. The Law Enforcement Planning Council, representing the Law Enforcement component of the Youth Violence Prevention Project, has approved \$75,000 to allocate overtime for members of the Violent Crimes Task Force to conduct strategic operations. There is no requirement for match with the JAG funds. Countywide (DW)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to approve:

A) the U.S. Department of Homeland Security's 2009 Assistance to Firefighters Grant award in the amount of \$400,000, with a local match of \$100,000, for a total project cost of \$500,000;

B) the Federal Emergency Management Agency (FEMA) Standard Form 1199A – Direct Deposit Sign Up form; and

C) a Budget Amendment of \$400,000 in the Fire Rescue MSTU Fund. This Amendment will recognize the grant revenue of \$400,000 and establish the grant appropriation budget of \$500,000 for the designated purchases, including the \$100,000 from contingency reserve for Fire Rescue's matching share.

SUMMARY: The 2009 Assistance to Firefighters Grant (AFG) Program is a competitive grant program designed to assist local fire departments in protecting citizens and firefighters against the effects of fire and fire-related incidents. This grant program funds activities such as purchasing firefighting equipment, personal protection equipment, training, firefighting vehicles, and firefighter/first responder safety projects. On May 19, 2009, the Board approved a grant application (R2009-0880) to the US Department of Homeland Security and FEMA and were notified of the award on April 9, 2010. This award will be used to purchase a site license for the National Fire Incident Report System (NFIRS) 5.0 system software. The network compatible software will be available for use by all County fire-rescue stations allowing the Department to comply with the State of Florida mandate to submit NFIRS data in a 5.0 format to the State Fire Marshal's office. The acquisition of this new software will also provide a regional benefit since it will be available to the municipalities for which the Department provides dispatch services. Approval of the FEMA Standard Form 1199A will enable the County to receive payments electronically. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. **Staff recommends motion to approve:** an Interlocal Agreement with Seacoast Utility Authority (SUA) to connect to the Palm Beach County Regional Network at an annual cost of \$8,400 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Interlocal Agreement allows SUA to access Palm Beach County (County) network services on a cost sharing basis similar to the existing Interlocal Agreements between the County and various municipalities, as well as the South Florida Water Management District, Health Care District, and the Kravis Center for the Performing Arts. Interconnection to the County's network will provide greater bandwidth for internet access and disaster recovery programs while reducing SUA's overall network costs. SUA agrees to pay the County \$8,400 annually as the initial connection fee to access the Palm Beach County network. Per Exhibit A of the Agreement, fees for additional connections are set at \$6,000 annually per connection. District 7 (PFK)

2. **Staff recommends motion to approve:** Renewal of Oracle database software maintenance agreement for the period April 24, 2010, to April 23, 2011 in the amount of \$797,583.21. **SUMMARY:** This agreement renewal provides software update license and support maintenance for the County's Oracle database management software. Additionally, support was terminated for perpetual license assets in Customer Service Identifiers 14662055 and 3643563 resulting in an annual cost savings of approximately \$100,000 due to the conversion of the Criminal Justice Information System which will be on a different database platform. This renewal also continues the practice of establishing coterminous end dates for all County Oracle software maintenance. Oracle Corporation is based in Redwood City, CA. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) receive and file executed State Homeland Security Grant Program Agreement in the amount of \$111,725 for the period October 1, 2009, through April 30, 2012; and

B) approve a Budget Amendment of \$111,725 in the Emergency Management Fund to recognize the actual grant award.

SUMMARY: This is an annual grant from the State of Florida Division of Emergency Management to conduct planning, training and exercise activities in order to develop and enhance emergency preparedness capabilities. The grant consists of \$20,000 for Disability Planning, \$25,000 for a Functional Exercise, and \$66,725 for Post Disaster Redevelopment Planning. R2006-0401 gave authority to the County Administrator, or his designee, to execute these agreements on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

AA. PALM TRAN

1. Staff recommends motion to adopt: Resolution authorizing Palm Tran to file a Transportation Disadvantaged (TD) Trip and Equipment Grant Application in the estimated amount of \$2,170,179 and delegating authority to Palm Tran's Executive Director, through the County Administrator, to execute standard form and coordination/operator contracts. **SUMMARY:** The State of Florida Commission for the Transportation Disadvantaged (CTD) annually makes funds available to Community Transportation Coordinators (CTCs) through the Transportation Disadvantaged Trip and Equipment Grant Program. The Grant cycle runs from July 1, 2010, through June 30, 2011. Palm Beach County has been allocated funds for FY 2010/2011: Trip and Equipment Grant: \$2,170,179; Total State Grant: \$1,953,161; Local Match: \$217,018; Voluntary Dollar Contributions: \$2,262; In-Kind Match for Voluntary Dollar: \$251; Total Grant: \$2,172,692. The local match has already been budgeted in Palm Tran's proposed FY 2011 operating budget. Countywide (DR)

2. Staff recommends motion to:

A) approve Interlocal Agreement with the City of Delray Beach for a total not to exceed \$373,750 for the construction and installation of Bus Shelters at Palm Tran Stops as funded by the American Recovery and Reinvestment Act Grant FL-96-X026-01; and

B) adopt a Resolution authorizing the Executive Director of Palm Tran, through the County Administrator, to execute an amendment to the Interlocal Agreement extending the completion date for the installation of shelters, for up to a six (6) month period.

SUMMARY: The Federal Transit Administration (FTA) awarded funds to Palm Beach County under grant FL-96-X026-01, which included funds to implement the construction and installation of bus shelters at Palm Tran stops within the City of Delray Beach. A City ordinance against advertising prevents the City from benefiting from the County contract for shelter installation. The City will be responsible for maintenance of these shelters. No local match was required for the funding from FTA. Districts 4 & 5 (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF

- 1. **Staff recommends motion to approve:** a Budget Transfer of \$130,888 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 2010 estimated donation requirement is \$158,962. 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 \$1,930,073. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,799,185. The year-to-date transfer for all donations after approval of this item is \$505,107. 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 (DW)

Boys & Girls Club of Palm Beach County, Inc.	\$ 5,000
Gulfstream Council of the Boy Scouts of America, Inc.	\$ 10,000
Junior Achievement of the Palm Beaches, Inc.	\$ 25,000
Nope Task Force, Inc.	\$ 10,000
Palm Beach County PAL, Inc.	\$ 25,688
Palm Beach Recovery Coalition, Inc.	\$ 25,200
Palm Beach County Association of Chiefs of Police	\$ 5,000
The ARC of Palm Beach County, Inc.	<u>\$ 25,000</u>
Total Amount of Donations	\$130,888

CC. INTERNAL AUDIT

- 1. **Staff recommends motion to approve:** Amendment No. 6 to the Contract (R2004-1796) with Joseph Bergeron, Internal Auditor; extending said contract for one (1) additional year ending on September 30, 2013. **SUMMARY:** The Audit Committee, at its March 17, 2010 meeting, unanimously approved recommending a one (1) year extension of the Internal Auditor’s contract and adjusting the contract termination date to coincide with the County’s fiscal year. The Audit Committee recommended no salary adjustment which is consistent with general County employees. The Internal Auditor’s salary will remain \$146,008. The new contract expiration date is September 30, 2013. This item is presented to the Board at this time to comply with the 90 day notice requirement of the contract. Countywide (PFK)

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4. PUBLIC HEARINGS – 9:30 A.M. (Motion to receive and file: Proof of publication)

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, creating the “Palm Beach County Water Utilities Tampering Ordinance”; providing for a title; providing for authority; providing for definitions; providing for applicability; providing for violations; providing for penalties for service account holders; providing for penalties for non-service account holders; providing for alternative enforcement provisions, providing for rental property; providing for the delegation of designation of Water Utilities Department employees as Code Enforcement Officers; providing for inclusion in the Code Enforcement Citation Ordinance of Palm Beach County, Florida; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for penalties; providing for captions; and providing for an effective date. **SUMMARY:** This Ordinance will allow the Water Utilities Department (Department) to assess fines for tampering with or making unauthorized connections to the Department’s utility system. Tampering and unauthorized connections are threats to the public health, safety, and welfare because such actions may allow for injection of contaminating materials into the water system. Tampering and unauthorized connections are also financially detrimental to the Department and its customers because services are obtained without payment to the Department. The Ordinance will allow Water Utilities Department employees to impose fines on service account holders, issue citations as Code Enforcement Officers, or use alternative code enforcement methods through the Planning, Zoning and Building Department. The proposed fines will be \$400 for tampering with or unauthorized connection to the Department’s utility system, and for the introduction of any materials into the Department’s utility system. The \$400 fines were increased from the initial draft ordinance per Board direction. The \$400 fine is the maximum allowed by the citation process. A Special Master may impose higher fines under the alternative code enforcement methods. Countywide (MJ)
- B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 17, Article II, Business Taxes; Amending Section 17-69, dance halls, variety exhibitions, etc. providing for repeal of laws in conflict; providing for savings clause; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions; and providing for an effective date. **SUMMARY:** The Business Tax Ordinance includes a tax on businesses that allow dancing or charge for entertainment. This Ordinance expands an existing exemption in the Ordinance by exempting from the tax live entertainment at establishments with an occupancy limit or capacity of 100 persons or less with a county receipt in another business tax category. The exemption in the current Ordinance applies only if the establishment does not sell, serve or allow alcoholic beverages. This exemption will have a negligible impact on County revenues. Countywide (RPB)

4. PUBLIC HEARINGS – 9:30 A.M. CONTINUED

C. Staff recommends motion to approve: Budget amendments and transfers in various funds reflecting adjustments for balances brought forward, other revenues, reserves and operating expenses. The total amount of the adjustments is an increase of \$118,077,951 in 215 funds. **SUMMARY:** These budget amendments and transfers are necessary to adjust FY 2010 budgets to reflect differences between actual and estimated revenues and expenditures of FY 2009. These amendments adjust the balances brought forward, various revenue, expenditure and reserve accounts to their audited balances. The proposed increases include \$33,475,639 additional reserves for balances brought forward in Countywide tax equivalent funds. The adjustment is a result of:

- 1) \$14,920,796 additional revenues: Utility Tax Electricity \$5,122,372, Franchise Fee Electricity \$5,913,714, Investment Earnings \$3,884,710;
- 2) \$7,686,298 expenditures less than and revenues greater than originally estimated; and
- 3) \$10,868,545 additional excess fees: Sheriff's Office \$8,731,121 and the remaining Constitutionals \$2,137,424.

The impact of this increase to reserves on the FY 2011 deficit will be determined by FY 2010 budget estimates and FY 2011 budgets. Countywide (PFK)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. **Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on June 8, 2010, at 10:00 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, imposing an emergency fire rescue services and facilities surtax of 1 percent on certain transactions occurring within Palm Beach County as provided for under the provisions of Chapter 212, Florida Statutes; providing title, authorization, and legislative findings; providing that the imposition of the sales surtax shall not be effective unless approved by referendum of the qualified electors of the County; providing that the imposition shall be effective beginning January 1, 2011; providing for distribution of surtax proceeds among the participating jurisdictions within the County pursuant to interlocal agreement; providing for an administrative fee; providing for a referendum election on August 24, 2010; providing for form of notice of referendum; providing ballot language; providing for use of surtax proceeds; providing for the reduction of ad valorem tax levy or non-ad valorem assessment for fire control and emergency rescue services by the estimated amount of surtax revenue; providing for severability; providing for repeal of laws in conflict; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** Due to legislative changes, effective July 1, 2009, counties are authorized to impose a discretionary sales surtax up to 1% for emergency fire rescue services and facilities under certain circumstances, if approved by referendum. On April 6, 2010, the Board provided direction for staff to move forward with the development of an ordinance imposing a 1% discretionary sales surtax, subject to referendum approval. The County is also required to develop and execute an interlocal agreement with participating jurisdictions that provide emergency fire rescue services within the County to allow for distribution of surtax proceeds by the County to those entities. Under the state law, each participating jurisdiction will be required to reduce their ad valorem levy or any non-ad valorem assessment for fire control and emergency rescue services in their next and subsequent budgets by the estimated amount of revenue provided by the Surtax. As a condition precedent to holding the referendum, a majority of the 12 fire rescue providers within the County must execute an interlocal agreement. The County is currently working with these fire rescue service providers to obtain the appropriate signatures. Once a majority of the service providers execute the interlocal agreement, along with adoption of this ordinance, the issue can be placed on the ballot of the regularly scheduled primary election on August 24, 2010. Ballot language is due to the Supervisor of Elections by June 18, 2010. The referendum must be advertised twice during the 30 day period prior to the referendum. Countywide (SB)

5. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve:

A) Waiver of prohibited relationship for three (3) Cotleur & Hearing, Inc. employees: 1) Brian Chegus, Public Art Committee, 2) Suzanne Hearing, Public Art Committee Artist Selection Committee, and 3) Jan Polson, Development Review Officer (DRO) Oversight Committee; all of which are advisory board members; and

B) Contract with Cotleur & Hearing, Inc., to provide property development evaluation services on a continuing contract basis for Facilities Development & Operations Department projects.

SUMMARY: Cotleur & Hearing, Inc. has disclosed that three (3) of their employees are members of Palm Beach County advisory boards (two are members of the Public Art Committee and one is on the DRO Oversight Committee). Per the County's Code of Ethics, this may be perceived as a prohibited relationship and Cotleur & Hearing, Inc. is disclosing this and requesting a waiver under the requirements of the Code. Staff recommends approval of the waiver. The purpose of this contract is to have a consultant under contract to provide planning, engineering, and related consulting services for Facilities Development & Operations Department efforts to evaluate the developability of existing County-owned property and potential land acquisition parcels. Consultant fees will be negotiated on an individual basis for the identified project. This contract will be for two (2) years with two (2) - one (1) year extension options. Cotleur & Hearing, Inc. is a Palm Beach County firm as are all their sub consultants. The Small Business Enterprise (SBE) goal for this contract is 15%. Cotleur & Hearing, Inc. anticipates 98% SBE participation. (Capital Improvements Division) Countywide (JM)

2. Staff recommends motion to approve:

A) an Easement from Boca Highland Beach Club and Marina, Inc. (Boca Highland) for drainage; and

B) an Easement in favor of Boca Highland for landscaping and utilities, and ingress/egress in the western portion of the County's proposed Cam D. Milani Park located in the Town of Highland Beach.

SUMMARY: The County is in the process of obtaining development approvals for Cam D. Milani Park, located in the Town of Highland Beach on the east and west sides of South Ocean Boulevard (State Road A1A), north of Spanish River Boulevard. Boca Highland is a property owners association which manages the common area of the development which is located immediately to the south, north and west of the western Park parcel, and has an access road, landscaping and utilities which encroach upon the Park property. There has been a long standing dispute with Boca Highland as to ownership of the affected land, which started long before the County acquired title to the Park. The County needs a drainage easement over Boca Highland's property for legal positive outfall in order to develop the Park. Boca Highland's encroaching improvements are located within the typical setback/buffer area and do not reduce the usable land area for the Park. Therefore, the parties have agreed to resolve this matter through exchange of easements. Boca Highland is granting the County an easement for storm water drainage. In exchange, the County is granting an easement to Boca Highland for landscaping, utilities, and ingress/egress to permit the existing improvements which serve Boca Highland to remain in place. The total area of the easements that the County is granting to Boca Highland is 13,701.1 square feet (.31 acre). The easements are being granted at no charge. (PREM) District 4 (HJF)

5. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: a Stipulated Settlement Agreement with the Town of Highland Beach resolving pending litigation between the parties regarding the Town's approval with conditions of the County's special exception use application for the Cam D. Milani Park. **SUMMARY:** On April 27, 2009, the Town of Highland Beach's Town Commission voted to adopt a resolution granting a special exception use approval for the County's proposed Cam D. Milani park. Five (5) of the 43 Conditions of Approval contained within the special exception approval, Conditions No 5, 6, 10, 14, and 43, violate the essential requirements of law, constitute unlawful delegations of authority, are unconstitutionally vague, are not supported by record evidence, and are arbitrary and capricious. Palm Beach County filed a petition for writ of certiorari and a civil action for declaratory judgment and injunctive relief, challenging the special exception conditions. The petition for writ of certiorari was denied by the circuit court; however, the action for declaratory judgment and injunctive relief remains pending. Staff has negotiated a settlement agreement with the Town's staff, under which the Town would modify the challenged Conditions of Approval to address the County's concerns, and the County would delay construction of the park for a period of ten (10) years, with the potential for two (2) additional five (5) year extensions on the postponement, at the County's option. The County does remain obligated to proceed with fulfilling certain conditions which generally provide for: 1) clearing, grubbing, grading and seeding of the entire site, 2) the installation of the buffer treatment (including installation of a 6' concrete wall), and 3) the restoration of the onsite wetland. District 4 (ATP)

5. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to:

A) approve a Budget Transfer of \$2,300,000 from General Fund Contingency Reserves;

B) approve a Budget Amendment of \$2,300,000 in the Public Building Improvement Fund recognizing funds transferred from the General Fund and establishing a project budget;

C) authorize the Director, Facilities Development & Operations, to approve two (2) separate Guaranteed Maximum Price (GMP) Amendments to Hedrick Brothers Construction, Inc. each in excess of \$200,000 but in no case to exceed \$385,000 for the Property Appraiser project phase and \$1,250,000 for the Tax Collector project phase respectively in order to expedite the start of the work and in order to meet the September 7, 2010 occupancy deadline; and

D) approve the transfer of all assets purchased for use by the Property Appraiser and/or Tax Collector to the respective agency at the completion of the Project.

SUMMARY: On April 6, 2010, the Board conceptually approved moving forward with a two (2) phase project which will result in sufficient space for the Tax Collector to begin providing driver license services in South County when the Department of Motor Vehicles (DMV) has stated it will discontinue services from its current Delray Beach location. The first phase of the project will relocate the Property Appraiser from its current location at the South County Administrative Complex to a County owned building at 7777 West Atlantic Avenue (former West Atlantic Library) and renovate the space vacated by the Property Appraiser for an expansion to the Tax Collector facility at 501 South Congress Avenue. Hedrick, a Palm Beach County firm, performing under its annual Construction Management (CM) AT Risk contract, will undertake the construction work at both sites pursuant to two separate GMP amendments. Hedrick will bid each GMP amendment when the design for the respective phase is complete. Staff is requesting approval for the Director, Facilities Development & Operations to execute each amendment in order to expedite the commencement of work. Each Amendment will be of the standard form, contain a Small Business Enterprise (SBE) goal of 15%, and approved for legal sufficiency. Due to the funding mechanism, it is necessary for the County to procure all assets necessary to build-out the space for the Property Appraiser and Tax Collector's use but those same assets need to be transferred to the respective agency for on-going tracking, maintenance and replacement. (FDO Admin) Countywide/Districts 4, 5 & 7 (JM)

5. REGULAR AGENDA

B. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve:

A) a Tri-Party Interlocal Agreement with the City of Belle Glade (City) and the School Board of Palm Beach County (School Board) providing the: (i) terms for various land swaps amongst the parties so the City will ultimately own an approximately 4.18 parcel of real property (City Site) to be leased to the County for the County's development of a library and civic center (together, referred to as the Combined Facility); (ii) development requirements for the Combined Facility; and (iii) parameters for the operation and use of the Combined Facility; and

B) a Lease Agreement with the City that provides the County with a ninety-nine (99) year lease for the City Site at no charge to the County.

SUMMARY: The County is in the process of designing a single building which will house both the County's library (Library) and the City's civic center (Civic Center) each to be approximately 13,800 square feet and 3,100 square feet, respectively, on the City Site located on the southeast corner of Northwest 4th Street and Northwest Avenue H in the City of Belle Glade. In order for the County to construct the Combined Facility, the School Board must convey an approximately 1.99 acre parcel of real property (School Board Parcel) to the City, so that the City will hold title to the entire City Site and can enter the Lease Agreement with the County. The Interlocal Agreement provides for the: (i) School Board to convey its parcel to the City in exchange for the City's conveyance of real property or other compensation package upon terms that the City and School Board are to agree upon in the future; (ii) City to enter into the Lease Agreement with the County; (iii) County to manage and pay for the construction of the Combined Facility, at its sole cost and expense, after application of CDBG Grant funds towards the construction costs of the Civic Center; (iv) County to construct the Civic Center to include the City's minimum requirements; and (v) County to grant a license to the City for its use of the Civic Center, which sets forth the operating and scheduling responsibilities of each party. The School Board shall convey its parcel to the City within fifteen (15) days of the effective date of the Interlocal Agreement. In the event the City defaults and does not provide the School Board with: (i) an approximately 1.99 acre parcel of real property within the City; (ii) a minimum amount of guaranteed use of the City Civic Center; or (iii) fifty-six thousand dollars (\$56,000) (Payment), then the County shall make the Payment to the School Board. The Payment is equivalent to the appraised value of the School Board parcel upon which the County library will be built. If the County becomes obligated for the Payment, then the City's License Agreement will be suspended until the City has repaid the County. (PREM) District 6 (HJF)

5. REGULAR AGENDA

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

A) adopt a Resolution authorizing the issuance of General Obligation Refunding Bonds, Series 2010 (Library District Improvement Project) in a principal amount of not exceeding \$22,500,000 (the Bonds); authorizing the defeasance of all or a portion of the County's outstanding \$30,500,000 General Obligation Bonds, Series 2003 (Library District Improvement Project); providing for the payment of the Bonds from a tax on all taxable property within the Library District; establishing the maturity schedule for the Bonds; authorizing the County Administrator or County Debt Manager to publish through electronic means a summary Notice of Sale and to receive bids pursuant to a competitive sale of said Bonds and award the sale of said Bonds to the responsible bidder offering the lowest true interest cost to the County which shall not exceed 5.00%; approving the execution and delivery of said Bonds; approving the form of and authorizing the execution and delivery of an escrow deposit agreement and a registrar/paying agent agreement; approving the preparation and use of a summary notice of sale, a preliminary official statement and final official statement; authorizing the electronic dissemination of the preliminary official statement and final official statement; making certain covenants and agreements in connection with the Bonds; providing for the rights of the owners of the Bonds; appointing a paying agent, bond registrar and escrow agent; authorizing the registration of the Bonds pursuant to a book-entry system; providing for an undertaking required under Rule 15c2-12 of the Securities and Exchange Commission; providing for a repealer and providing for an effective date;

B) adopt a Resolution authorizing the issuance of General Obligation Refunding Bonds, Series 2010 (Recreational and Cultural Facilities) in a principal amount of not exceeding \$32,000,000 (the Bonds); authorizing the defeasance of all or a portion of the County's outstanding \$25,000,000 General Obligation Bonds, Series 2003 (Recreational and Cultural Facilities) and all or a portion of the County's outstanding \$25,000,000 General Obligation Bonds, Series 2005 (Recreational and Cultural Facilities); providing for the payment of the Bonds from a tax on all taxable property in the County; establishing the maturity schedule for the Bonds; authorizing the County Administrator or County Debt Manager to publish through electronic means a summary Notice of Sale and to receive bids pursuant to a competitive sale of said Bonds and award the sale of said Bonds to the responsible bidder offering the lowest true interest cost to the County which shall not exceed 5.00%; approving the execution and delivery of said Bonds; approving the form of and authorizing the execution and delivery of an escrow deposit agreement and a registrar/paying agent agreement; approving the preparation and use of a summary notice of sale, a preliminary official statement and final official statement; authorizing the electronic dissemination of the preliminary official statement and final official statement; making certain covenants and agreements in connection with the Bonds; providing for the rights of the owners of the Bonds; appointing a paying agent, bond registrar and escrow agent; authorizing the registration of the Bonds pursuant to a book-entry system; providing for an undertaking required under Rule 15c2-12 of the Securities and Exchange Commission; providing for a repealer and providing for an effective date; and

C) approve the appointment of Greenberg Traurig, P.A. as bond counsel and Nabors, Giblin & Nickerson, P.A. as disclosure counsel for the both series of general obligation refunding bonds and to approve amendments to each firms' respective contracts for legal services.

5. REGULAR AGENDA

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

1. **CONTINUED**

SUMMARY: On April 2, 2010, the County Financing Committee (CFC) approved the advanced refunding of all or a portion of the County's General Obligation Bonds, Series 2003 (Library District Improvement Project) and all or a portion of the General Obligation Bonds, Series 2003 and 2005 (Recreational and Cultural Facilities) based on a target net present value savings of not less than 3.5%. Each series of general obligation refunding bonds will be sold on a competitive basis. Staff and the County's Financial Advisor will monitor market conditions and when the target level of net present value savings appears to be reasonably obtainable, obtain the ratings for the refunding bonds. In a competitive sale, the County will post electronically its preliminary official statements and official notices of sale. Such notice will set a date and time the bids by underwriters will be due which, under Florida law, must be at least 10 days from the date of the notice. The County will reserve the right to change the bid due date or cancel the sale, if market conditions should deteriorate. No bid will be awarded unless the Bonds of each series have a true interest cost of not more than 5% and achieve a net present value savings of at least 3.5%. The general obligation refunding bonds will be secured by ad valorem taxes. Countywide (PFK)

D. LIBRARY

1. Staff recommends motion to receive and file: an update to the Library Expansion Program II (LEPII). **SUMMARY:** To date, ten (10) projects approved as part of the LEP II have been completed at a cost of \$70,706,200. The new and expanded branches have added 127,337 square feet to the system. The remaining projects are in various stages of planning or construction. The Main Library is the only project that will not be completed as originally planned. Countywide (TKF)

E. COUNTY ATTORNEY

1. Staff recommends motion to approve: a Settlement Agreement with the Florida Department of Community Affairs ("DCA") and others to resolve the compliance issues raised in the Florida Department of Administrative Hearings case styled, Department of Community Affairs, et al. vs. Palm Beach County, et al., DOAH Case No. 09-6006GM. **SUMMARY:** This Settlement Agreement will resolve challenges by the DCA and 1000 Friends of Florida, Inc. ("1000 Friends"), to County Ordinance No. 2009-026, which designated a 318-acre parcel in the Everglades Agricultural Area adjacent to the Okeelanta agricultural industrial complex owned by Florida Crystals Corporation, Okeelanta Corporation, New Hope Sugar Company, and S.D. Sugar Corporation (collectively, "FCC"), as Agricultural Production ("AP") with an underlying land use of Industrial ("IND"), and a Limited Urban Service Area designation, for the purpose of developing an Inland Logistics Center, and modified the County's Comprehensive Plan accordingly ("Okeelanta Plan Amendment"). District 6 (AJM)

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6. BOARD APPOINTMENTS

A. **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 term of two (2) years expiring May 18, 2012 as follows:

<u>Nominee:</u>	<u>Term</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By:</u>
Harold Murphy	1 st	8	Special Technical	Commissioner Marcus

SUMMARY: Palm Beach County Consumer Affairs Ordinance 72-10 established a Consumer Affairs Hearing Board. The nine (9) members are selected for countywide representation and serve three (3) - 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 trades, organizations 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)

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

1. **Staff recommends motion to approve:** the appointment of one (1) at-large member to the Groundwater and Natural Resources Protection Board (GNRPB) to complete the term of three (3) years ending April 4, 2011:

New Appointments:

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated By</u>
Thomas L. Tessier, PG	Member of an Environmental Organization	3	Treasure Coast Chapter – Florida Association of Environmental Professionals

OR

Allen Trefry	Member of an Environmental Organization	3	Arthur R. Marshall Foundation & Florida Environmental Institute, Inc.
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SUMMARY: Ordinance 92-20 and Article 17.C.7. of the Unified Land Development Code (ULDC) provide for a seven (7) member GNRPB. The membership consists of one (1) professional engineer, one (1) attorney, one (1) hydrologist, one (1) business person, one (1) biologist or chemist, one (1) citizen of PBC, and one (1) member of an environmental organization. Ordinance 92-20 and Article 17.C.7 of the ULDC requires Seat No. 3 to be filled by a Member of an Environmental Organization. No other nominations were received. Countywide (SF)

C. **COMMISSION DISTRICT APPOINTMENTS**

MAY 18, 2010

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

MAY 18, 2010

8. COMMISSIONER COMMENTS

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

B. District 2 - COMMISSIONER JEFF KOONS

C. District 3 - COMMISSIONER SHELLEY VANA

D. District 4 – COMMISSIONER STEVEN L. ABRAMS

E. District 5 - COMMISSIONER BURT AARONSON, CHAIR

F. District 6 - COMMISSIONER JESS R. SANTAMARIA

G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR

9. 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 18, 2010

<u>PAGE</u>	<u>ITEM</u>	
7	3A-3	<u>MOVED TO REGULAR AGENDA (5A-2):</u> Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the Army Corp of Engineers to expedite the rehabilitation of the Herbert Hoover Dike (Dike) ...(Admin/EDO)
12	3E-2	<u>DELETED: Staff recommends motion to: A) adopt</u> Resolution repealing and replacing Resolution R2006-1878 regarding the Head Start/Early Head Start Policy Council; and...(Community Services) (Further staff review)
21	3I-3*	<u>DELETED: Staff recommends motion to approve:</u> a Conditional Grant Agreement with Delray Beach Community Development Corporation (DBCDC), for \$120,000 in State Housing Initiative Partnership (SHIP) rehabilitation funds. (HCD) (Further staff review)
27	3U-1	<u>DELETED: Staff recommends motion to approve:</u> an Interlocal Agreement with Seacoast Utility Authority (SUA) to connect to the Palm Beach County Regional Network...(ISS) (Further staff review)
27	3U-2	<u>DELETED: Staff recommends motion to approve:</u> Renewal of Oracle database software maintenance agreement for the period April 24, 2010, to April 23, 2011 in the amount of \$797,583.21. (ISS) (Further staff review)
32	5A-1	<u>DELETED: Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on June 8, 2010, at 10:00 a.m.:</u> an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, imposing an emergency fire rescue services and facilities surtax of 1 percent on certain transactions occurring within Palm Beach County as provided for under the provisions of Chapter 212, Florida Statutes;...(Admin) (Further staff review)
32	5A-2	<u>ADD-ON, MOVED FROM CONSENT (3A-3):</u> <u>Staff recommends motion to adopt:</u> a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the Army Corp of Engineers to expedite the rehabilitation of the Herbert Hoover Dike (Dike) critical to the safety of the cities surrounding Lake Okeechobee (Lake) and to minimize the Economic Impact of these cities of Rural Economic Concern. (Admin/EDO)
33	5B-1	<u>REVISED TITLE: Staff recommends motion to approve: A)</u> Waiver of prohibited relationship for three (3) Cotleur & Hearing, Inc. employees: 1) Brian Chegus, Public Art Committee, 2) Suzanne Hearing, Public Art Committee Artist Selection Committee, and 3) Jan Polson, Development Review Officer (DRO) Oversight Committee; all of which are advisory board members, <u>as we do not perceive there to be any conflict of interest (5 vote supermajority required to approve);</u> and B)... (FDO)

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