

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

OCTOBER 6, 2020

<u>PAGE</u>	<u>ITEM</u>	
40	4B*	ADD-ON: Wendy Link, Supervisor of Elections – Voting and Ballot Presentation
46	5E-1	REVISED SUMMARY: Pursuant to the CARES Act Relief Fund program, the County received an automatic payment of \$261,174,823 on April 23, 2020. The County has until December 30, 2020 to expend funds. These funds must only be used to prevent, prepare for, and respond to coronavirus. The budget amendment recognizes \$1,050,000 in interest earned in excess of budget during FY 2020 and expected to be earned in FY 2021. This brings the total budget for CRF to \$263,224,823. As presented to the Board of County Commissioners on September 15, 2020, there is approximately \$41 million available in the various fiscal strategy categories. These funds will be transferred to Broadband (\$3,750,000), Culture Grants (\$1,025,000), Not for Profit Grants (\$4,400,000) (\$4,240,000) , <u>Health Department Contact Tracing (\$1,000,000)</u> , General Expenses (\$4,000,000) and the balance to reserves (\$28,895,000) <u>(\$28,055,000)</u> . (Budget)
46	5G-1	ADD-ON: Staff recommends motion granting: Deputy County Attorney's request: 1) to schedule a private meeting for an attorney-client session between the Board of County Commissioners, the County Administrator, the Deputy County Attorney, Chief Assistant County Attorney, and outside counsel pursuant to Section 286.011(8), Florida Statutes to discuss settlement strategy of pending litigation in which Palm Beach County is presently a party: <u>In re: National Prescription Opiate Litigation</u> , case number: MDL 2804 (N.D. Ohio) and <u>Palm Beach County v. Purdue Pharma, et al.</u> , case number: 1:18-op-46121-DAP (N.D. Ohio); and 2) to give public notice of a private meeting for an attorney-client session, which will be held at 12:00 p.m. on October 20, 2020, in the Thomas McEaddy Conference Room, 301 North Olive Avenue, 12th Floor, West Palm Beach, Florida, and placing further notice of the private meeting on the agenda of the Board of County Commissioners for its meeting. The following persons will attend the meeting with the members of the Board of County Commissioners who are present at that time: Verdenia Baker, County Administrator; Denise Coffman, Deputy County Attorney; David Ottey, Chief Assistant County Attorney; James L. Ferraro, outside counsel; James Ferraro Jr. outside counsel; Hunter Shkolnik, outside counsel; and Janpaul Portal, outside counsel. SUMMARY: The Board will discuss settlement strategy. <u>Countywide (DO) (Attorney)</u>
50	Dist. 7	ADD-ON: Request for off-site Proclamation declaring October 2020 as Meet the Blind Month in Palm Beach County (Commissioner Bernard)

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 (*).

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

OCTOBER 6, 2020

**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 7-39)**
- 4. SPECIAL PRESENTATIONS (Page 40)**
- 5. REGULAR AGENDA (Pages 41-46)**
- 6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD (Page 47)**
- 7. BOARD APPOINTMENTS (Page 48)**
- 8. STAFF COMMENTS (Page 49)**
- 9. BCC COMMENTS (Page 50)**
- 10. MATTERS BY THE PUBLIC – 2:00 P.M. (Page 51)**
- 11. ADJOURNMENT (Page 52)**

TABLE OF CONTENTS

CONSENT AGENDA

B. CLERK & COMPTROLLER

Page 7

- 3B-1 Warrant list
- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Change orders, work task orders, minor contracts, final payments, etc.
- 3B-5 List of Errors, Insolvencies, Double Assessments, Discounts, and Value Adjustment Board reductions on the 2020 Assessment Roll.

C. ENGINEERING & PUBLIC WORKS

Page 7

- 3C-1 Resolution delegating authority to County Administrator or designee to execute standard United States Environmental Protection Agency Access Authorization forms

Page 8

- 3C-2 Resolution abandoning public interest in utility easement for construction of a home
- 3C-3 Receive and file Interlocal agreement with the City of Riviera Beach Utility Special District for construction of water and force main relocations as part of the Garden Road from south of FDOT Canal to south of Blue Heron Boulevard project
- 3C-4 Resolution abandoning public interest in utility easement for extension of a right turn land on Lantana Road

Page 9

- 3C-5 Budget amendment in the Road Impact Fee Zone 4 fund to recognize reimbursement funding for the Hypoluxo Road and Town Commons Drive Intersection Improvements project

E. COMMUNITY SERVICES

Page 9

- 3E-1 Appointments to the Palm Beach County HIV Comprehensive AIDS Resources Emergency Council

Page 10

- 3E-2 Ratify signature of Mayor on modification to the Florida Department of Economic Opportunity Community Services Block Grant Program for provision of utility assistance for families affected by COVID-19 pandemic

Page 11

- 3E-3 Agreement for the Emergency Home Energy Assistance Program with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. to help seniors through the CARES Act
- 3E-4 Contract with Gulfstream Goodwill Industries, Inc. for assessment and non-congregate sheltering for COVID-19 impacted individuals and families in the western communities

F. AIRPORTS

Page 12

- 3F-1 Resolution approving amendment to the Public Transportation Grant Agreement with the Florida Department of Transportation for the Security Infrastructure and Operational Improvements Program
- 3F-2 Receive and file amendment to Terminal Building Lease Agreement with the General Services Administration
- 3F-3 Receive and file Federal Aviation Administration Grant Agreement for the CARES Act at PBI

Page 13

- 3F-4 Receive and file Federal Aviation Administration Grant Agreement for the CARES Act at North Palm Beach County General Aviation Airport
- 3F-5 Receive and file Federal Aviation Administration Grant Agreement for the CARES Act at Palm Beach County Park Airport
- 3F-6 Receive and file Federal Aviation Administration Grant Agreement for the CARES Act at Palm Beach County Glades Airport

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

H. FACILITIES DEVELOPMENT & OPERATIONS

- Page 14
- 3H-1 Amended and restated interlocal agreement with the City of Palm Beach Gardens for interoperable communications
 - 3H-2 Amended and restated interlocal agreement with the City of Margate for interoperable communications
- Page 15
- 3H-3 Amended and restated 800 interlocal agreement with the City of Miami for interoperable communications
- Page 16
- 3H-4 Receive and file documents received during the months of July and August 2020 related to the renovation of Pahokee and Belle Glade Facilities as part of the County's Non-Congregate Sheltering Strategy for the Western Communities
- Page 17
- 3H-5 Declaration of Easement for equipment to service the Acreage Community Park South
 - 3H-6 Budget transfer for the Convention Center Garage and Airport renovations
 - 3H-7 Change order to contract with Hedrick Brothers Construction Company, Inc. for the Main County Courthouse Electronics & Security Systems Renewal & Replacement project
- Page 18
- 3H-8 Receive and file change order to contract with Hedrick Brothers Construction Company, Inc. for the Main County Courthouse Electronics & Security Systems Renewal & Replacement project
- Page 19
- 3H-9 Change order to amendment of contract with Robling Architecture Construction, Inc. for the Palm Beach County Sheriff's Office Temporary Space at the South Florida Water Management Building
 - 3H-10 Amendment to lease agreement with the South Florida Water Management District for the lease of temporary office space for the Palm Beach County Sheriff's Office

I. HOUSING AND ECONOMIC SUSTAINABILITY

- Page 20
- 3I-1 Receive and file agreements for code enforcement services with the cities of Belle Glade, Pahokee and South Bay
- Page 21
- 3I-2 Receive and file documents related to provision of affordable housing
 - 3I-3 Receive and file grant documents related to contracts with HUD for the receipt of federal funds
- Page 22
- 3I-4 Receive and file agreements under the Community Development Block Grant program to provide various public services
- Page 23
- 3I-5 Agreement with the Palm Beach County Film and Television Commission, Inc. for the 2021 Student Showcase of Films
 - 3I-6 Contract with the Palm Beach County Black Business Investment Corporation for financial assistance to existing and start-up businesses in Palm Beach County
- Page 24
- 3I-7 Interlocal Agreement with the Florida Atlantic Research and Development Authority for the Global Ventures at FAU
 - 3I-8 Agreement with the Florida Atlantic University Board of Trustees for the FAU Tech Runway project
- Page 25
- 3I-9 Receive and file agreement with the Center for Technology, Enterprise and Development, Inc. for assistance and development of small businesses and microenterprises
 - 3I-10 Receive and file agreement with the Business Loan Fund of the Palm Beach, Inc. for assistance and support to small businesses
- Page 26
- 3I-11 Receive and file documents related to funding matches with various agencies
 - 3I-12 Impact Fee Affordable Housing Assistance Program funding award to Autumn Ridge, LLC for the Autumn Ridge project

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

J. PLANNING, ZONING & BUILDING

Page 27

- 3J-1 Resolution executing and recording five claims of liens in the Boynton Waters West subdivision
- 3J-2 Appointment to the Construction Board of Adjustments and Appeals

K. WATER UTILITIES

Page 28

- 3K-1 Work authorization to contract with Hinterland Group, Inc. for the Gravity Main and Manhole Rehabilitation project
- 3K-2 Work authorization to contract with Johnson-Davis Incorporated for the Utility Adjustments for the City of Belle Glade Road Resurfacing project
- 3K-3 Development agreement with Gulfstream Product Support Corporation for lease of property located north of Southern Boulevard and west of the Palm Beach International Airport

Page 29

- 3K-4 Contract with Foster Marine Contractors, Inc. for the Reclaimed Water Delivery Controls at Seminole Improvement District M2 Canal project
- 3K-5 Receive and file change order to contract with Hinterland Group, Inc. for the Sanitary Sewer Collection System Rehabilitation Project Phase 2

L. ENVIRONMENTAL RESOURCES MANAGEMENT

Page 30

- 3L-1 Easement agreements for dune restoration with various condominium associations

N. LIBRARY

Page 31

- 3N-1 Receive and file Certificate of Designation to Palm Beach County Library System – Main Library from the U.S. Department of State Passport Services
- 3N-2 Authorization for the library director to submit a Public Library Construction Grant application to the Florida Department of State, Division of Library and Information Services for the Canyon Branch Library

S. FIRE RESCUE

Page 31

- 3S-1 Personal Protective Equipment Decontamination Services Agreement with Battelle Memorial Institute

Page 32

- 3S-2 Receive and file a Public Emergency Medical Transportation Letter of Agreement with the State of Florida, Agency for Health Care Administration related to the program for Medicaid managed care patients

U. INFORMATION SYSTEMS SERVICES

Page 33

- 3U-1 Rescind and replace interlocal agreement with the City of Palm Beach Gardens for network services

X. PUBLIC SAFETY

Page 33

- 3X-1 Amendments to the Federal Funded Subward and Grant Agreement with the State of Florida Division of Emergency Management to authorize reimbursement of eligible project for Public Assistance funding

Page 34

- 3X-2 Memorandum of Agreement with the Florida Division of Emergency Management for receipt of three mobile trailer mounted generators
- 3X-3 Receive and file amendment to contract with The Lord's Place for Adult Reentry Services

TABLE OF CONTENTS

CONSENT AGENDA CONTINUED

Z. RISK MANAGEMENT

Page 35

3Z-1 Purchase of airport liability insurance through Arthur J. Gallagher & Co.

Page 36

3Z-2 Administrative Services Only Agreement with Cigna Health and Life Insurance Company for the County's self-funded health insurance

AA. PALM TRAN

Page 37

3AA-1 Resolution accepting grant award from the State of Florida Department of Transportation for enhanced mobility of seniors and individuals with disabilities

CC. SHERIFF

Page 37

3CC-1 Donation from The Howard E. Hill Foundation, Inc. for the Gunfire Detection and Location project

Page 38

3CC-2 Receive and file FDLE quarterly payments

DD. INTERNAL AUDIT

Page 38

3DD-1 Appointments to the Internal Audit Committee

EE. TOURIST DEVELOPMENT COUNCIL

Page 39

3EE-1 Agreement with the Cultural Council for Palm Beach County, Inc. to award and administer grants to community-based and non-profit cultural organizations

SPECIAL PRESENTATIONS

Page 40

4A COVID-19 Update by Dr. Alonso and County Staff

REGULAR AGENDA

A. ENGINEERING & PUBLIC WORKS

Page 41

5A-1 Ordinance amending the Palm Beach County Code governing Land Development Division fees

B. AIRPORTS

Page 41

5B-1 Amendment to agreement with AECOM Technical Services, Inc. for services related to the Palm Beach County Airports Capital Improvement Program

TABLE OF CONTENTS

REGULAR AGENDA CONTINUED

C. HOUSING AND ECONOMIC SUSTAINABILITY

Page 42

- 5C-1 Resolution approving the issuance of Housing Finance Authority of Palm Beach County, Florida bonds for Christian Manor
- 5C-2 Resolution approving the issuance of Housing Finance Authority of Palm Beach County, Florida bonds for San Marco Villas

Page 43

- 5C-3 Tax Equity & Fiscal Responsibility Act public hearing concerning the proposed issuance of revenue bonds by the Public Finance Authority
- 5C-4 Amendment to agreement with the Business Development Board of Palm Beach County, Inc. amending the scope of services in response to the COVID-19 pandemic

Page 44

- 5C-5 Interlocal cooperation agreement with the City of Westlake related to the Urban County Program
- 5C-6 HOME Investment Partnership Program award to SP Palm Beach, LLC

Page 45

- 5C-7 Execution of Certification by State of Local Official of PHA Plans Consistence with the Consolidated Plan or State Consolidated Plan for the Palm Beach County Housing Authority

D. ADMINISTRATION

Page 45

- 5D-1 Resolution urging the Florida Department of Agriculture and Consumer Services to require a competitive process for the USDA's Emergency Food Assistance Program and to split Region 8 into two separate regions

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Page 46

- 5E-1 Budget amendment in the CARES Act Relief Fund to recognize interest and balance brought forward and reallocate funds due to change in fiscal strategy

F. SHERIFF

Page 46

- 5F-1 Budget documents establishing funds in the Law Enforcement Trust Fund for provision of office space for PBSO staff

BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD

Page 47

- 6A-1 Resolution clarifying that members filling seats 4 and 5 of the Child Care Facilities Board may be county employees
- 6A-2 Reappointments to the Child Care Advisory Council

BOARD APPOINTMENTS (Page 48)

STAFF COMMENTS

Page 49

- 8A-1 Receive and file updated Board Directives Reports

COMMISSIONER COMMENTS (Page 50)

MATTERS BY THE PUBLIC – 2:00 P.M. (Page 51)

ADJOURNMENT (Page 52)

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to receive and file:** Warrant List – Backup information can be viewed in the Clerk & Comptroller’s Office.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners’ meetings:

<u>Meeting Date</u>	<u>Meeting Type</u>
May 5, 2020	Regular
May 28, 2020	Zoning
August 4, 2020	Special

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; Water Utilities Department; Environmental Resources Department; and the Department of Airports during January 2019. Countywide
5. **Staff recommends motion to approve:** List of Errors, Insolvencies, Double Assessments, Discounts, and Value Adjustment Board reductions on the 2020 Assessment Roll (3,764 pages). **SUMMARY:** Section 197.492, Florida Statutes, requires that on or before the 60th day after the tax certificate sale, the Tax Collector shall make out a report to the Board of County Commissioners, separately showing the discounts, errors, double assessments, and insolvencies for which credit is to be given, including in every case except discounts, the names of the parties on whose account the credit is to be allowed. Countywide (DB)

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to adopt:** a resolution delegating authority to the County Administrator or designee to execute standard United States Environmental Protection Agency (EPA) Access Authorization forms; providing for severability and providing an effective date. **SUMMARY:** Adoption of the resolution delegates authority to the County Administrator or designee to execute access authorization for the EPA and its contractors to assess, remove, monitor and remediate contamination on Palm Beach County (County) owned property. Access authorization will be provided without cost to the EPA or its officers, employees, contractors and other authorized representatives. The work performed by the EPA will be completed at no cost to the County. Access authorization for the EPA is valid for two year periods. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to adopt: a resolution abandoning any public interest in a portion of the 6-foot wide utility easement lying in the west 6 feet of the east 100 feet of the west 230 feet of the north 145 feet of the south 3,202 feet of the east 1/2 of the west 1/2 of the west 1/2 of Section 1, Township 45 south, Range 41 east, Palm Beach County, Florida (also known as Lot 24E of the unrecorded plat of Palm Beach Park Subdivision John Adair Jr & Assoc. 8-22-1960); and in a portion of the 6-foot wide utility easement lying in the east 6 feet of the west 130 feet of the north 145 feet of the south 3,202 feet of the east 1/2 of the west 1/2 of the west 1/2 of Section 1, Township 45 south, Range 41 east (also known as Lot 23E of the unrecorded plat of Palm Beach Park Subdivision John Adair Jr & Assoc. 8-22-1960) and as described on the Warranty Deed recorded in Official Record Book 29702, Pages 265-268 (Abandonment Sites), of the Public Records of Palm Beach County (County). **SUMMARY:** Adoption of this resolution will eliminate the public dedications that are in conflict with future development by Elisangela Dias and Paulo Dias (Petitioners). The Petitioners have requested the County clear these encumbrances to allow for the construction of a new single-family home. All reviewing agencies and utility service providers have approved this abandonment and the utility easements serve no present or future public purpose. The Abandonment Sites are located east of Park Lane West and 2,100 feet north of 68th Court South. District 6 (YBH)

3. Staff recommends motion to:
 - A) **receive and file** an interlocal agreement with the City of Riviera Beach Utility Special District (City) for the construction of water main and force main relocations in the amount of \$290,215.75 as part of the Garden Road from south of FDOT Canal to south of Blue Heron Boulevard (Project); and

 - B) **approve** a budget amendment of \$26,384 in the Transportation Improvement Fund to recognize reimbursement funding from the City and appropriate it to the Project.

SUMMARY: This agreement is being submitted to the Clerk and Comptroller of Palm Beach County (County) in accordance with Countywide PPM CW-O-051. The agreement was approved by the Deputy County Engineer as a delegated authority in accordance with Palm Beach County Administrative Code Section 404.00. This budget amendment is necessary to reflect the funding from the City for the construction to be incorporated into the County's Project. District 7 (YBH)

4. Staff recommends motion to adopt: a resolution abandoning any public interest in a portion of the 10-foot wide utility easement, lying in Parcel A, Military and Lantana MUPD – Plat No. 1, according to the plat thereof, as recorded in Plat Book 85, Pages 3 and 4 (Abandonment Site), Public Records of Palm Beach County (County). **SUMMARY:** Adoption of this resolution will eliminate the public dedication that is in conflict with future right-of-way dedication by Highland Plaza, LLC and 4550 Lantana, LLC (Petitioners). The Petitioners have requested the County clear this encumbrance to allow the dedication of right-of-way, free of encumbrances, for the extension of an existing right turn lane and to provide for the expanded intersection on Lantana Road. All reviewing agencies and utility service providers have approved this abandonment and the utility easement serves no present or future public purpose. The Abandonment Site is located west of Military Trail, on the south side of Lantana Road. District 3 (YBH)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

5. Staff recommends motion to approve: a budget amendment of \$58,219 in the Road Impact Fee Zone 4 Fund to recognize reimbursement funding from Lynx Zuckerman Holding Co. LLC and appropriate it to the Hypoluxo Road and Town Commons Drive Intersection Improvements project. **SUMMARY:** Approval of this budget amendment is for the design and construction of a right turn lane on the east approach of Hypoluxo Road at Town Commons Drive. Condition E.8 of Resolution R2020-0057 requires the property owner to make a payment of 50% of the estimated design and construction cost for the project. The property owner has provided a payment of \$58,218.37, based on a total design and construction cost estimate of \$116,436.73. District 3 (YBH)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: the reappointment of one current member and appointment of one new member to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council:

<u>Seat No.</u> 2	<u>Reappointment</u> Kristen Harrington	<u>Term Expires</u> 10/05/23
<u>Seat No.</u> 27	<u>Appointment</u> Kenneth Talbot	<u>Term Expires</u> 10/05/23

SUMMARY: The Palm Beach County HIV CARE Council (HIV CARE Council) nomination process is an open process with publicized criteria and legislatively defined conflict of interest standards. Ms. Harrington and Mr. Talbot have successfully completed the HIV CARE Council's nomination process and the HIV CARE Council recommends the appointments. The total membership for the HIV CARE Council shall be no more than 33 at-large members, per Resolution No. 2011-1560. Ms. Harrington is an employee of AIDS Healthcare Foundation, Inc., which contracts with the County for services. The HIV CARE Council provides no regulation, oversight, management, or policy setting recommendations regarding the subject contracts or transactions. Disclosure of this contractual relationship at a duly noticed public meeting is being provided in accordance with the provisions of Section 2-443, of the Palm Beach Code of Ethics. The diversity count for the 21 seats that are currently filled is: African-American: 10 (48%), Caucasian: 7 (33%), Hispanic-American: 3 (14%) and Asian-American: 1 (5%). The gender ratio (female: male) is 10:11. Ms. Harrington and Mr. Talbot are both Caucasian. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to:

A) ratify:

1. the signature of the Mayor on Modification No. 4 to the Florida Department of Economic Opportunity (FDEO) Community Services Block Grant (CSBG) Program Federally Funded Subgrant Agreement No. 17SB-0D-10-60-01-121 (R2017-0625), for the period October 1, 2016 through September 30, 2020, increasing the original grant agreement amount by \$1,448,507 for a total grant award amount not to exceed \$6,045,512.93, to provide utility payment assistance to approximately 438 families in Palm Beach County who are affected by the COVID-19 pandemic; and

2. the signature of the Mayor on Modification No. 7 to the FDEO Low-Income Home Energy Assistance Program (LIHEAP) Federally Funded Subgrant Agreement No. 17EA-0F-10-60-01-023 (R2017-0996), for the period April 1, 2017 through September 30, 2020, increasing the original grant agreement amount by \$2,970,584 for a new total amount not to exceed \$19,632,256, to provide electric utility assistance to over 8,000 low-income households residing in Palm Beach County who are affected by the COVID-19 pandemic.

B) approve:

1. a budget amendment of \$1,448,507 in the CSBG fund to align the budget to the actual grant award; and

2. a budget amendment of \$2,970,584 in the LIHEAP fund to align the budget to the actual grant award.

SUMMARY: CSBG Modification No. 4 increases the amended grant amount by \$1,448,507 in response to the Coronavirus Aid, Relief, and Economic Security (CARES) Act. These funds are used to provide utility payment assistance to approximately 438 additional families affected by the pandemic. LIHEAP Modification No. 7 increases the amended grant amount by \$2,970,584 provided in response to the CARES Act. The increased funding will enable the Community Action Program to provide assistance to low-income households in need of assistance to pay energy bills or to relieve a crisis that would prevent utility service disconnection or restore utility services. An estimated 8,000 households in Palm Beach County will be served. The emergency signature process was utilized because there was not sufficient time to submit the subgrant agreements through the regular BCC agenda process. No County funds are required. (Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) Standard Agreement No. IPC20-9500 for the Emergency Home Energy Assistance Program (EHEAP) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period June 1 2020 through September 30, 2021, to provide services in accordance with the terms and conditions specified in this agreement, including all attachments, forms and exhibits, in an amount not to exceed \$20,394 with a spending authority in the amount of \$108,763 for client services, to provide home energy assistance to seniors through the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

B) a budget amendment of \$20,394 in the Division of Senior Services (DOSS) Administration Fund to align the budget to the actual grant award.

SUMMARY: The agreement allows DOSS to provide EHEAP services to seniors. The CARES Act funding will assist seniors who were adversely impacted by the COVID-19 pandemic. EHEAP services are provided to seniors aged 60 and older experiencing a home energy emergency. Seniors who are unable to pay their electric bills can receive financial assistance up to twice a year, once during the heating season (October – March) and once during the cooling season (April – September). This year, 419 crisis payments were made for seniors experiencing a home energy emergency. DOSS is responsible for providing services north of Hypoluxo Road. The areas of service include all of the districts, excluding District 3, 4, 5 and 7 south of Hypoluxo Road. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. (DOSS) Countywide except for portions of Districts 3, 4, 5, & 7 south of Hypoluxo Road (HH)

4. Staff recommends motion to approve: a contract for Provision of Services with Gulfstream Goodwill Industries, Inc. (GGI), for the period November 15, 2020 through November 14, 2023, in an annual amount of \$1,795,701, to provide assessment and non-congregate sheltering for COVID-19 impacted individual and families in the western communities. **SUMMARY:** On June 2, 2020, the Palm Beach County Board of County Commissioners (BCC) approved two County owned properties that could be renovated and repurposed to provide for non-congregate sheltering in the western communities where the need for isolation of high-risk individuals and households is evident. The presence of hotel rooms in this area has proved to be challenging due to limited availability, associated cost and the inability to ensure complete isolation. Immediately upon opening, and while the need for COVID-19 related sheltering exists, the combination of these facilities will provide for the sheltering of those requiring isolation due to the COVID-19 pandemic. This would include, but not be limited to: those testing positive to COVID-19, those exposed to, or at risk of, COVID-19, and those that may have lost their housing accommodations due to the emergency. GGI will operate both the Belle Glade Assessment Center that will verify risk or exposure to COVID-19 leading to the need for isolation and the Pahokee Non-Congregate Sheltering site. GGI will provide supportive housing for a maximum of 36 shelter beds and 58 supportive housing beds. GGI will serve up to 48 seniors or individuals and up to 24 families per year (minimum of 96 persons annually). GGI will be open 365 days a year on a 24-hour basis and will offer on-site supportive services, counseling, meal delivery, limited medical treatment, case management, life skills, job placement, interim housing and permanent housing placement. Additional funding in the amount of \$200,000 will be needed in FY 2022 to represent a full year of operations. (Division of Human and Veteran Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) adopt a resolution approving Amendment No. 1 to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) increasing the original FDOT funding share by an additional \$42,800 and revising the total cost of the project for Security Infrastructure and Operational Improvements Program – Phase 2 at Palm Beach County Park Airport (LNA). This amendment will become effective upon final execution by the FDOT with an expiration date of December 31, 2022; and

B) approve a budget amendment of \$42,800 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FDOT, and budget project costs of \$53,500; which includes a reclass from Reserves in the amount of \$10,700.

SUMMARY: On May 5, 2020 the BCC adopted a Resolution (R-2020-0419) approving a PTGA (R2020-0420) with the FDOT in the amount of \$380,000 or 80% of the eligible project costs, whichever is less for Security Infrastructure and Operational Improvements Program – Phase 2 at LNA under a multi-year funding plan. The FDOT has issued Amendment No. 1 to the PTGA as part of the second year funding, increasing the original funding share by an additional \$42,800 for a revised FDOT participation of \$422,800 bringing the revised total cost of the project to \$528,500. The County's current local share for this project is \$10,700. Countywide (AH)

2. Staff recommends motion to receive and file: Amendment No. 2 to Terminal Building Lease Agreement (R2019-1616, as amended) (Amendment) with the General Services Administration (GSA), an executive agency of the United States of America. **SUMMARY:** The lease provides for the lease of office and support space by the GSA for the Transportation Security Administration (TSA). Rental rates are established in accordance with the rates for non-signatory airlines under the PBI Signatory Airline Agreement (R2019-1155) and are subject to adjustment each October 1. This Amendment serves to adjust the rental rate commencing October 1, 2020. Countywide (AH)

3. Staff recommends motion to:

A) receive and file Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0085-065-2020 in the amount of \$36,613,068 for Coronavirus Aid, Relief, and Economic Security Act at Palm Beach International Airport (PBI); and

B) approve a budget amendment of \$36,613,068 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FAA; including a transfer to Reserves in the amount of \$36,613,068.

SUMMARY: Acceptance of this grant provides the Department of Airports with funding for the reimbursement of on-going operations and maintenance costs for PBI. This grant began on May 11, 2020 and expires on May 10, 2024. This grant was accepted pursuant to the delegation of authority granted by Resolution 2006-2086, which was approved and ratified pursuant to Resolution 2020-1017. This grant does not require a local match. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

4. Staff recommends motion to:

A) receive and file Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0113-019-2020 in the amount of \$69,000 for Coronavirus Aid, Relief, and Economic Security Act at North Palm Beach County General Aviation Airport (F45); and

B) approve a budget amendment of \$69,000 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FAA; including a transfer to Reserves in the amount of \$69,000.

SUMMARY: Acceptance of this grant provides the Department of Airports with funding for the reimbursement of on-going operations and maintenance costs for F45. This grant began on May 12, 2020 and expires on May 11, 2024. This grant was accepted pursuant to the delegation of authority granted by Resolution 2006-2086, which was approved and ratified pursuant to Resolution 2020-1017. This grant does not require a local match. Countywide (AH)

5. Staff recommends motion to:

A) receive and file Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0086-018-2020 in the amount of \$69,000 for Coronavirus Aid, Relief, and Economic Security Act at Palm Beach County Park Airport (LNA); and

B) approve a budget amendment of \$69,000 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FAA; including a transfer to Reserves in the amount of \$69,000.

SUMMARY: Acceptance of this grant provides the Department of Airports with funding for the reimbursement of on-going operations and maintenance costs for LNA. This grant began on May 11, 2020 and expires on May 10, 2024. This grant was accepted pursuant to the delegation of authority granted by Resolution 2006-2086, which was approved and ratified pursuant to Resolution 2020-1017. This grant does not require a local match. Countywide (AH)

6. Staff recommends motion to:

A) receive and file Federal Aviation Administration (FAA) Grant Agreement Number 3-12-0060-008-2020 in the amount of \$30,000 for Coronavirus Aid, Relief, and Economic Security Act at Palm Beach County Glades Airport (PHK); and

B) approve a budget amendment of \$30,000 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FAA; including a transfer to Reserves in the amount of \$30,000.

SUMMARY: Acceptance of this grant provides the Department of Airports with funding for the reimbursement of on-going operations and maintenance costs for PHK. This grant began on May 12, 2020 and expires on May 11, 2024. This grant was accepted pursuant to the delegation of authority granted by Resolution 2006-2086, which was approved and ratified pursuant to Resolution 2020-1017. This grant does not require a local match. Countywide (AH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: an Amended and Restated Interlocal Agreement (Agreement) with the City of Palm Beach Gardens (Municipality), allowing for interoperable communications through the Countywide common talk groups of the County's Public Safety Radio System (County's System) to the Municipality for a period of October 6, 2020 through October 5, 2025. **SUMMARY:** This Agreement provides the terms and conditions under which the Municipality can program into its radios and use the Countywide common talk groups for certain types of inter-agency communications. This Agreement is intended to replace the Interlocal Agreement (R2013-0874) between County and Municipality, amended by First Amendment R2018-0162, and adds the procedure to be followed to obtain a Federal Shared Encryption Key for direct radio interoperability with Federal Agencies. The County's System will not be utilized for routine operational communications by the Municipality. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Municipality is required to pay all costs associated with the Municipality's subscriber units and to comply with the established operating procedures for the County's System. This Agreement provides for an initial term of five years with two renewal options, each for a period of five years. This Agreement may be terminated by either party, with or without cause, upon ten days prior written notice to the other party. (ESS) Countywide (LDC)

2. Staff recommends motion to approve: an Amended and Restated Interlocal Agreement (Agreement) with the City of Margate (Municipality), allowing for interoperable communications through the Countywide and EMS common talk groups of the County's Public Safety Radio System (County's System) to the Municipality for a period of October 6, 2020 through October 5, 2025. **SUMMARY:** This Agreement provides the terms and conditions under which the Municipality can program into its radios and use the countywide and EMS common talk groups for certain types of inter-agency communications. This Agreement terminates and replaces the Interlocal Agreement (R2015-1460) between County and Municipality, adds interoperability of EMS common talk groups, and adds the procedure to be followed to obtain a Federal Shared Encryption Key for direct radio interoperability with Federal Agencies. The County's System will not be utilized for routine operational communications by the Municipality. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Municipality is required to pay all costs associated with the Municipality's subscriber units and to comply with the established operating procedures for the County's System. This Agreement provides for an initial term of five years with two renewal options, each for a period of five years. This Agreement may be terminated by either party, with or without cause, upon ten days prior written notice to the other party. (ESS) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: an Amended and Restated 800 Interlocal Agreement (Agreement) with the City of Miami (Municipality), allowing for interoperable communications through the countywide common talk groups of the County's Public Safety Radio System (County's System) to the Municipality from October 6, 2020 through October 5, 2025. **SUMMARY:** This Agreement provides the terms and conditions under which the Municipality can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications. This Agreement is intended to replace the Interlocal Agreement R2006-0346 between County and the Municipality, amended by First Amendment R2011-1177, by Second Amendment R2017-0540 and adds the procedure to be followed to obtain a Federal Shared Encryption Key for direct radio interoperability with Federal Agencies. The County's System will not be utilized for routine operational communications by the Municipality. The terms of the Agreement are standard and have been offered to all municipalities and local branches of state and federal agencies and ambulance service providers with 800 MHz trunked radio capabilities. There are no charges associated with this Agreement. The Municipality is required to pay all costs associated with Municipality's subscriber units and to comply with the established operating procedures for the County's System. This Agreement provides for an initial term of five years with two renewal options, each for a period of five years. This Agreement may be terminated by either party, with or without cause, upon ten days prior written notice to the other party. (ESS) Countywide (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to receive and file: the executed documents received during the months of July and August 2020.

A) Consultant Services Authorization (CSA) No. 1 to the professional services emergency contract with Partner Assessment Corporation d/b/a Partner Engineering & Science, Inc. for the Royal Palm Lakes property in the amount of \$1,450 to collect ten additional drinking water samples for laboratory analysis of lead;

B) Consultant Services Authorization (CSA) No. 2 to the professional services emergency contract with Partner Assessment Corporation d/b/a Partner Engineering & Science, Inc. for the Royal Palm Lakes property in the amount of \$12,650 to inspect and evaluate the interior of the heating ventilation and air conditioning (HVAC) ductwork in 34 of the 42 units;

C) Change Order No. 1 to the emergency contract with Dean Mitchell Restoration, Inc. for Royal Palm Lakes property Mold Remediation services in the amount of \$261,935.50 and extending the term of the contract by 45 calendars for mold remediation phase III and IV;

D) Change Order No. 2 to the emergency contract with Dean Mitchell Restoration, Inc. for Royal Palm Lakes Property Mold Remediation services in the amount of \$16,801.50 for mold remediation phase I and II;

E) Amendment No. 1 to emergency contract with Robling Architecture Construction, Inc. establishing a guaranteed maximum price for the Royal Palm Lakes Renovation – Reroof and Selective Demolition phase in the amount of \$639,063 for a period of 94 days from notice to proceed; and

F) Amendment No. 2 to emergency contract with Robling Architecture Construction, Inc. establishing a guaranteed maximum price for the Royal Palm Lakes Renovation – Site Work Improvements phase in the amount of \$709,564 to be completed by December 31, 2020.

SUMMARY: On April 6, 2020, the Board of County Commissioners (BCC) received authorization from the Federal Emergency Management Agency to conduct non-congregate sheltering activities under the Public Assistance Program as part of the response to the coronavirus emergency. On June 2, 2020, the BCC authorized the County Administrator or designee, which in this case was the Director of Facilities Development and Operations (FDO), to execute emergency design and construction contracts to renovate the Pahokee and Belle Glade Facilities as part of the County's Non-Congregate Sheltering Strategy for the Western Communities. These contracts were fully executed on behalf of the BCC by the Director of FDO. In accordance with the County Policy and Procedures Manual (PPM) CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. Pursuant to section 2-80.22 of the Equal Business Opportunity (EBO) Ordinance and the County PPM CW-O-043, this project is exempt from the EBO requirements. The funding source for these contracts is from the CARES Act Relief Fund. (Capital Improvements Division) Countywide/District 6 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: a Declaration of Easement (Easement) in favor of Palm Beach County's Water Utilities Department (WUD) for water and sewer lines, fire hydrant, and appurtenant equipment to service the Acreage Community Park South (Park). **SUMMARY:** The Park is located at 140th Avenue North in the Acreage and is managed and maintained by Indian Trail Improvement District (ITID). ITID recently constructed additional park and utility improvements within the Park, including water and sewer lines, fire hydrants, and appurtenant equipment. WUD requires an Easement to document the existence and location of said lines and equipment. The water easement area is approximately 20 feet in width and varies in length, containing approximately 43,269 square feet (0.99 acres). The sewer easement area is approximately 20 feet by 20 feet, containing approximately 400 square feet (0.009 acres). The Easement will be recorded in the public records to document its existence and location. (Property and Real Estate Management) District 6 (HJF)

6. Staff recommends motion to approve: a budget transfer of \$250,000 within the 68M Public Imp Rev Bond 15A CP, Convention Center Garage & Airport Center Fund. **SUMMARY:** On April 7, 2015, the Board approved a \$68M bond entitled "68M Public Imp Rev Bond 15A CP, Conv Ctr Garage & Airport Ctr" providing proceeds for the Airport Center Building II renovations and delivery of the Convention Center Parking Garage. The Airport Center Building II renovation project is complete. The Convention Center Parking Garage project requires a transfer from the reserves unit of the 68M Public Imp Rev Bond 15A CP, Conv Ctr Garage & Airport Ctr fund to the Convention Center Garage operating unit of the same fund in order to purchase various equipment to alleviate ponding water issues and provide additional furniture, fixtures and equipment for the Convention Center Garage as allowed under the Bond Resolution. (FDO ADMIN) Countywide (LDC)

7. Staff recommends motion to approve: Change Order No. 021 to the contract with Hedrick Brothers Construction Company, Inc. (R2017-0164) increasing the Guaranteed Maximum Price in the amount of \$125,500 for the Main County Courthouse Electronics & Security Systems Renewal & Replacement Project. **SUMMARY:** On December 18, 2018, the Board approved Amendment No. 1 (R2018-2058) to the contract with Hedrick Brothers Construction Company, Inc. in the amount of \$13,580,467 for the renewal/replacement of electronics and security systems (programmable logic controllers, closed circuit television surveillance and video management, security management, elevator override control, electronic access control, intercom, lighting control, duress and fire alarm) within the Main County Courthouse Central Energy Plant, and State Attorney/Public Defender's building. The project also included the expansion of the PBSO Command Center. This change order authorizes the construction manager to furnish all labor and materials required to install a pre-action dry pipe sprinkler system with double interlock controller for the 5th floor "For the Record" information technology room, 5-1600. The conversion to this type of fire protection system will eliminate the threat of an accidental sprinkler system leak, which could lead to damaged electronic equipment. The construction manager was selected pursuant to the Small Business Enterprise (SBE) ordinance in place at the time. The SBE goal established by the SBE Ordinance for this contract is 25%, with 15.5% SBE partner involvement. Hedrick is partnering with Cooper Construction Management and Consulting, Inc. SBE participation for this change order is 0.74%. To date, overall SBE participation is 32.67%. Hedrick Brothers Construction Co., Inc. is a Palm Beach County Business and it is anticipated that 97% of the work will be performed by Palm Beach County businesses. **This project is funded by the infrastructure sales tax and ad valorem funds.** (Capital Improvements Division) Countywide/District 7 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

8. Staff recommends motion to receive and file: Change Order No. 18 to the contract with Hedrick Brothers Construction Company, Inc. (R2017-0164) in the amount of \$46,034 for the Main County Courthouse Electronics & Security Systems Renewal & Replacement Project. **SUMMARY:** On December 18, 2018, the Board approved Amendment No. 1 (R2018-2058) to the contract with Hedrick Brothers Construction Company, Inc. in the amount of \$13,580,467 for the renewal/ replacement of electronics and security systems (programmable logic controllers, closed circuit television (CCTV) surveillance and video management, security management, elevator override control, electronic access control, intercom, lighting control, duress and fire alarm) within the Main County Courthouse, Central Energy Plant, and State Attorney/Public Defender's building. The project also included the expansion of the Palm Beach Sheriff's Office Command Center. This change order authorized the construction manager to furnish all labor and materials required to install two CCTV Panasonic WVS223IL cameras, a card reader, exit button, fire alarm voice control panel, notifier with audio option, and a CCTV camera in the Palm Beach Sheriff's Office supply room. With changes to date, the contract value is \$12,641,786.96. In accordance with PPM CW-F-050, when the cumulative value of changes or additional work exceeds the greater of 5% or \$250,000 of the original contract value, an agenda item notifying the Board of County Commissioners (BCC) of the item that puts the cumulative value in the excess category must be presented as a receive and file. This agenda item is being submitted to notify BCC that Change Order No. 18 puts the cumulative value of changes in excess of the \$250,000 threshold established by PPM CW-F-050. The construction manager was selected pursuant to the Small Business Enterprise (SBE) ordinance in place at the time. The SBE goal established by the SBE Ordinance for this contract is 25%, with 15.5% SBE partner involvement. Hedrick is partnering with Cooper Construction Management and Consulting, Inc. SBE participation for this change order is 0.75%. To date, the overall SBE participation is 33.14%. Hedrick Brothers Construction Co., Inc. is a Palm Beach County Business and it is anticipated that 97% of the work will be performed by Palm Beach County businesses. **This project is funded from the Infrastructure Sales Tax fund.** (Capital Improvements Division) Countywide/District 7 (LDC)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: Change Order No. 2 to Amendment No. 22 to the continuing construction management (CM) contract (2016-0762) with Robling Architecture Construction, Inc. increasing the project value for the Palm Beach County Sheriff's Office (PBSO) Temporary Space at the South Florida Water Management District (SFWMD) Building in the amount of \$128,090.48 and increasing the project duration by 22 calendar days. **SUMMARY:** On May 5, 2020, the Board of County Commissioners (BCC) approved Amendment No. 22 with Robling Architecture Construction, Inc. in the amount of \$219,837 to reconfigure the existing floor plan at the SFWMD facility to incorporate a tenant separation partition throughout the existing third floor space with a new entry storefront for PBSO access, as well as, access doors, access controls, heating ventilation and air conditioning upgrades, new electrical, fire alarm, fire sprinklers, data drops and exit lights. The project was delayed due to a combination of revisions to the drawings that were owner initiated and required as per the building code. Change Order No. 2 consists of the additional time and funds needed to accommodate additional general project requirements, labor and the procurement of the equipment as a result of the requested changes. The work consists of installation of 5 modular furniture doors with electric strikes, delayed egress hardware, as well as, installation of 18 ceiling mounted occupancy sensors. On June 21, 2016, the BCC approved the continuing CM contract with Robling Architecture Construction Inc., for construction management services for capital projects under \$2,000,000. The continuing CM contract was awarded pursuant to the Small Business Enterprise (SBE) ordinance but this amendment, having been initiated after January 1, 2019, is subject to the requirements of the Equal Business Opportunity ordinance. The Construction Manager is an SBE. The continuing CM contract was presented to the Goal Setting Committee on February 20, 2019 and an Affirmative Procurement Initiative (API) of 20% SBE participation was applied to the contract. SBE participation on this change order is 100%. To date the Construction Manager has achieved 57.68% SBE subcontracting participation under its continuing contract. The CM is a Palm Beach County business. The funding source for this project is from the Public Building Improvement Fund. (Capital Improvements Division) Countywide/District 2 (LDC)

10. Staff recommends motion to approve: a first amendment to lease agreement with South Florida Water Management District (SFWMD) (R2020-0518) for the lease of 19,692 square feet of temporary office space for the Palm Beach County Sheriff's Office (PBSO) located at 3301 Gun Club Road increasing the cost of Furniture Work by \$16,000 from \$75,000 to \$91,000. **SUMMARY:** On May 14, 2020, the County entered into a lease with SFWMD for 19,692 square feet of office space located at 3301 Gun Club Road to temporarily accommodate a portion of PBSO staff during the PBSO Headquarters Renewal/Replacement/ Renovation Project. The lease provides that the County would reimburse SFWMD up to \$75,000 for reconfiguration of the modular furniture (Furniture Work). Due to additional required modifications to meet the operational needs of PBSO, the cost of the Furniture Work increased to \$91,000. This first amendment provides for the increase in payment to SFWMD from \$75,000 to \$91,000. All other terms and conditions remain the same. (Property & Real Estate Management) Countywide/District 2 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to receive and file: the following three agreements for code enforcement services funded under the Fiscal Year 2020-2021 Community Development Block Grant (CDBG) Program:

A) Agreement with the City of Belle Glade for \$159,860;

B) Agreement with the City of Pahokee for \$44,866; and

C) Agreement with the City of South Bay for \$36,572.

SUMMARY: The documents have been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Sustainability in accordance with Agenda Item 6D-1, as approved by the BCC on July 14, 2020. The agreement with the City of Belle Glade provides \$159,860 in CDBG funds towards the salary and benefits of three full-time Code Compliance Officers plus vehicle and computer related expenses. The agreement with the City of Pahokee provides \$44,866 in CDBG funds towards the salary and benefits of one full-time Code Compliance Officer. The agreement with the City of South Bay provides \$36,572 in CDBG funds towards the salary of one full-time Code Compliance Officer. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. These are Federal CDBG funds which do not require a local match. District 6 (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

2. Staff recommends motion to receive and file: the following four documents:

A) Loan Agreement with the Community Land Trust of Palm Beach County, Inc. (CLT), under the HOME Investment Partnerships Program (HOME);

B) Subordination Agreement with the Florida Housing Finance Corporation (FHFC) under the State Housing Initiative Partnership (SHIP) Program;

C) Subordination Agreement with Bellwether Enterprise Mortgage Investments, LLC, and BDG Banyan Court, LP, under the SHIP Program; and

D) Subordination Agreement with Iberiabank under the Neighborhood Stabilization Program 2 (NSP2).

SUMMARY: The documents have been executed on behalf of the Board of County Commissioners (BCC) by the County Administrator or the Director of the Department of Housing and Economic Sustainability in accordance with Agenda Item 5A-3, 5B-2, 3I-7 and 3I-3, as approved by the BCC on February 11, 2020, November 2, 1999, March 13, 2018 and May 17, 2016, respectively. The Loan Agreement with the CLT provides \$185,000 in HOME funding towards the construction of two affordable for-sale homes. The Subordination Agreement with the FHFC subordinates the County's mortgage which secured a SHIP Program loan of \$140,000 made to In the Pines, Inc., towards the construction of 40 affordable rental units. FHFC is refinancing its \$1,345,710 loan to In the Pines, Inc. The Subordination Agreement with Bellwether Enterprise Mortgage Investments, LLC, and BDG Banyan Court, LP, subordinates the County's mortgage which secured a SHIP Program loan of \$115,000 towards the construction of 85 affordable rental units. Bellwether Enterprise Mortgage Investments, LLC, is refinancing a \$6,360,000 loan to BDG Banyan Court, LP. The Subordination Agreement with Iberiabank subordinates the County's mortgage which secured an NSP2 loan of \$4,016,174 to Neighborhood Renaissance, Inc., for the construction of Mango Cove Apartments, a 36 unit affordable rental project. Iberiabank is refinancing a \$4,500,000 loan to Neighborhood Renaissance, Inc. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. SHIP funds are State funds which require no local match. NSP2 program funds are Federal grant funds which require no local match. HOME Program grant funds are Federal funds which require a 25% local match provided by State SHIP funds. Districts 2, 3 & 5 (HJF)

3. Staff recommends motion to receive and file: the following two documents:

A) Grant Agreement/Funding Approval with the U.S. Department of Housing and Urban Development (HUD) in the amount of \$3,935,468 for the Community Development Block Grant Coronavirus (CDBG-CV) Program; and

B) Grant Agreement/Funding Approval with HUD in the amount of \$1,941,176 for the Emergency Solutions Grant Coronavirus (ESG-CV) Program.

SUMMARY: The Director of the Department of Housing and Economic Sustainability (HES) executed the documents on behalf of the Board of County Commissioners (BCC) in accordance with Agenda Item 6C-3, approved by the BCC on May 5, 2020, that delegated such authority to the County Administrator or designee. The grant agreements/funding approvals constitutes the contracts between HUD and the County for the receipt of Federal funds and are now being submitted to the BCC to receive and file. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. These are Federal funds which do not require a local match. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

4. Staff recommends motion to receive and file: the following 11 agreements under the Fiscal Year 2020-2021 Community Development Block Grant (CDBG) Program:

A) Aid to Victims of Domestic Abuse, Inc. in the amount of \$25,589 for transitional housing and supportive services;

B) The Children's Place at Home Safe, Inc. in the amount of \$18,565 for specialized and enhanced therapeutic care for abused teens;

C) The Coalition for Independent Living Options, Inc. in the amount of \$23,080 for prepared meals to disabled individuals;

D) Healthy Mothers/Healthy Babies Coalition of Palm Beach County, Inc. in the amount of \$11,038 for assistance to uninsured low income pregnant women and their families in order to access health care, to secure payer sources and other services for prenatal care;

E) Legal Aid Society of Palm Beach County, Inc. in the amount of \$57,901 for fair housing education, outreach, advocacy and enforcement activities;

F) Place of Hope, Inc. in the amount of \$16,558 for housing and case management services to abused children;

G) Redlands Christian Migrant Association, Inc. in the amount of \$15,052 for child care and development services in the Glades area;

H) Seagull Industries for the Disabled, Inc. in the amount of \$30,406 for vocational training and supervision for disabled adults;

I) Sickel Cell Foundation of Palm Beach County, Inc. in the amount of \$18,564 for comprehensive case management services;

J) Urban League of Palm Beach County, Inc. in the amount of \$19,568 for foreclosure mitigation counseling, homebuyer education classes, and pre-purchase homebuyer counseling services; and

K) Vita Nova, Inc. in the amount of \$14,551 for supportive housing and life skills training for youths who have aged out of foster care.

SUMMARY: The 11 agreements have been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Sustainability in accordance with Resolution R2020-0926 as approved by the BCC on July 14, 2020. On July 14, 2020, via Agenda Item 6D-1, the BCC approved the Palm Beach County Action Plan for Fiscal Year 2020-2021, which included \$250,872 in CDBG funds allocated to 11 non-profit agencies to provide various public services. Employees from two agencies that were awarded CDBG funds serve on a County-related advisory group. Kimberly Rommel-Enright, an employee of the Legal Aid Society of Palm Beach County, Inc., serves on the HIV CARE Council, a County Advisory Board. Patrick J. Franklin, an employee of the Urban League of Palm Beach County, Inc., serves on the Infrastructure Surtax Independent Citizen Oversight Committee and the Housing Finance Authority. These boards provide no regulatory oversight, management, or policy-setting recommendations regarding their agency contracts. Disclosure of these contractual relationships at a duly noticed public meeting is being provided in accordance with the provisions of Sect. 2-443, of the Palm Beach County Code of Ethics. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. These are Federal CDBG funds which require no local match. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

5. **Staff recommends motion to approve:** an agreement with the Palm Beach County Film and Television Commission, Inc. (F&TV Commission) in the amount of \$75,000 for the period October 1, 2020 to September 30, 2021. **SUMMARY:** On September 15, 2020, the Board of County Commissioners approved the Fiscal Year 2020-2021 Budget which included an allocation of \$75,000 for F&TV Commission. This Agreement with the F&TV Commission will fund operational and educational expenses for the Film & TV Tech Prep Program (Program), which is entering its 25th year of operation. The Program continues to support the development of the film and television industry in Palm Beach County through an enhanced strategic plan drafted by educators and industry professionals. This funding will assist in the planning, facilitation and execution of all aspects in the production of the largest film competition and live awards ceremony within the State of Florida, the 2021 Student Showcase of Films (SSOF). The SSOF honors Florida high school and college student filmmakers and celebrates the artistic successes they have achieved in this field. F&TV is currently on target to meet 2019/2020 Contract deliverables. These are County Ad Valorem funds. Countywide (DB)

6. **Staff recommends motion to approve:** a contract for Consulting/Professional Services with the Palm Beach County Black Business Investment Corporation (BBIC) in the amount of \$54,000 for the period October 1, 2020 to September 30, 2021. **SUMMARY:** On September 15, 2020, the BCC approved the Fiscal Year 2020-2021 Budget which included an allocation of \$54,000 for BBIC. This Consulting/Professional Services Contract will fund a portion of BBIC's operational expenses for providing consulting and financial assistance to existing and start-up small businesses in Palm Beach County. The BBIC is required to obtain four business loan approvals from financial institutions totaling at least \$500,000, while serving 270 clients and creating/retaining 25 full-time equivalent jobs. The BBIC, a non-profit organization, was formed in accordance with the Florida Small & Minority Business Act of 1985. The major objectives of the BBIC are to provide financial resources to new and existing businesses, and to foster increased employment and social stability within the Black community. The BBIC fills the gap between financial institutions and small businesses, providing services not offered by other agencies in Palm Beach County. BBIC is currently on target to meet 2019/2020 Contract deliverables. These are County Ad Valorem funds. Countywide (DB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

7. Staff recommends motion to approve: an Interlocal Agreement with the Florida Atlantic Research and Development Authority (FARDA) in the amount of \$200,000 for the period October 1, 2020 to September 30, 2021. **SUMMARY:** On September 15, 2020, the Board of County Commissioners' (BCC) approved the Fiscal Year 2020-2021 Budget which included \$200,000 for FARDA to fund FARDA's operational expenses for the Global Ventures at FAU soft landing center, providing technical assistance and business support services to emerging technology companies. FARDA will be required to: provide 15 internships through Global Ventures and Research Park at FAU companies, create at least 15 new jobs, continue to develop its soft landings center program and qualify for the soft landings center designation from the International Business Innovation Association. FARDA was formed in 1985 by Broward and Palm Beach Counties as a special district whose public purposes includes the development, operation, management and financing of research and development parks in affiliation with one or more institutions of higher education, organized under Part V Chapter 159 of the Florida Statutes. FARDA brands itself as the Research Park at Florida Atlantic University (FAU) with the mission to promote scientific research and development in affiliation with FAU, to foster economic development. Global Ventures at FAU is an entrepreneurial support initiative assisting international and domestic second-stage technology companies with an interest in developing links to FAU. FARDA currently serves all 32 companies located in the Research Park at FAU, including those in Global Ventures at FAU. All companies in the Research Park at FAU are required to have or develop a substantial relationship to FAU, involving students and/or faculty in order to increase research and development in the FAU community, leading to job creation and economic activity in the Research Park at FAU and beyond. Deliverable B(b) in the agreement required the creation of 15 internships. The 2019/2020 agreement requires the creation of 15 internships. FARDA has created 12 internships to date and may create the three outstanding positions, however, due to COVID-19, this deliverable may not be met due to social distancing and business limitations. These are County Ad Valorem funds. Countywide (DB)

8. Staff recommends motion to approve: an agreement with the Florida Atlantic University Board of Trustees (FAU) in the amount of \$50,000 for the period October 1, 2020 to September 30, 2021. **SUMMARY:** On September 15, 2020, the BCC approved the Fiscal Year 2020-2021 Budget which included an allocation of \$50,000 to FAU for the FAU Tech Runway (FAUTR) project. FAUTR consists of a 28,000 square-foot facility that provides incubator workspace at the Florida Atlantic University Boca Raton Campus, and also provides mentoring, education seed grants, and introductions to investors to aid entrepreneurs and small developing companies that create jobs and provide internships to Florida Atlantic University students. This agreement will fund FAUTR with operational expenses in order to continue to expand its services in northern Palm Beach County supporting Technology, Life Science and Neuroscience efforts at the FAU Jupiter campus. FAU will also be required to: host at least two educational seminars for entrepreneurs, provide ten internships, arrange two introductory meetings between potential angel/venture capital investment funds to small developing companies, and create at least five new jobs. All companies assisted through these funds are required to have or develop a substantial relationship to FAU, involving students and/or faculty which leads to job creation and economic activity at FAU and in Palm Beach County. FAUTR is currently on target to meet 2019/2020 Contract deliverables. These are County Ad Valorem funds. Countywide (DB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

9. Staff recommends motion to receive and file: an agreement with the Center for Technology, Enterprise and Development, Inc. (TED Center) for \$226,000 under the Fiscal Year 2020-2021 Community Development Block Grant (CDBG) Program. **SUMMARY:** The document has been executed on behalf of the BCC by the Director of the Department of Housing and Economic Sustainability in accordance with Agenda Item 6D-1 as approved by the BCC on July 14, 2020. The agreement with TED Center provides \$226,000 in Fiscal Year 2020-2021 CDBG funds to assist with operational expenses for the development and expansion of small businesses and microenterprises (defined as “commercial enterprises” that have five or fewer employees). The TED Center is required to create a minimum of 15 full-time equivalent jobs countywide, with a minimum of 4 of the newly created jobs being held by persons residing in the Glades area. Additionally, at least 51% of the jobs must be held by, or made available to, Low and Moderate Income persons who must reside in the Palm Beach County CDBG jurisdiction during the term of the Agreement. The TED Center, a non-profit organization, is a business incubator with associated programs and services designed to improve the viability and strength of microenterprises and small businesses. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The TED Center is currently on target to meet 2019/2020 Contract deliverables. These are Federal CDBG funds which do not require a local match. Countywide (DB)

10. Staff recommends motion to receive and file: an agreement with the Business Loan Fund of the Palm Beaches, Inc. d/b/a Center for Enterprise Opportunity (CEO) for \$80,000 under the Fiscal Year 2020-2021 Community Development Block Grant (CDBG) Program. **SUMMARY:** The document has been executed on behalf of the BCC by the Director of the Department of Housing and Economic Sustainability in accordance with Agenda Item 6D-1 as approved by the BCC on July 14, 2020. The Agreement with CEO provides \$80,000 in Fiscal Year 2020-2021 CDBG funds to provide technical assistance and business support services to small businesses and persons developing small businesses. CEO is required to create a minimum of 5.5 full-time equivalent jobs countywide, conduct 4 business plan training seminars, close 4 credit builder loans/microloans and provide business and financial counseling to no less than 40 unduplicated clients. Additionally, at least 51% of the jobs must be held by, or made available to, Low and Moderate Income Persons who must reside in the Palm Beach County CDBG jurisdiction during the term of the Agreement. CEO, a non-profit organization, will also provide loans for the establishment, stabilization, and expansion of small businesses. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. CEO is currently on target to meet 2019/2020 Contract deliverables. These are Federal CDBG funds which do not require a local match. Countywide (DB)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

11. Staff recommends motion to receive and file: the following documents:

A) Standard Form SF-424 and Certifications for the Fiscal Year 2020-2021 Community Development Block Grant Program (CDBG);

B) Standard Form SF-424 and Certification for the Fiscal Year 2020-2021 HOME Investment Partnership Program (HOME); and

C) Standard Form SF-424 and Certification for the Fiscal Year 2010-2021 Emergency Solutions Grant Program (ESG)

SUMMARY: The documents were executed on behalf of the Board of County Commissioners by the Director of the Department of Housing and Economic Sustainability (DHES) under authority delegated by R2020-0926 on July 14, 2020 to the County Administrator or designee. In accordance with County PPM CW-O-051, all contracts, agreements and grants signed by delegated authority must be submitted by the initiating Department as a receive and file agenda item. The ESG required local match (\$562,941) will be provided by the four ESG-funded agencies, the Department of Community Services, and DHES. The HOME required local match (\$508,099) will be provided from program income earned through the State Housing Initiatives Partnership Program. CDBG funds require no local match. Countywide (HJF)

12. Staff recommends motion to:

A) approve an Impact Fee Affordable Housing Assistance Program (IFAHAP) funding award in the amount of \$326,954 to Autumn Ridge, LLC, for the Autumn Ridge project;

B) authorize the Mayor to execute a Certificate of Award to be released to the recipient pursuant to IFAHAP Guidelines;

C) approve a budget transfer of \$310,474 in Impact Fee Assistance Program – Roads Zone 2 to appropriate funds for Autumn Ridge; and

D) approve a budget transfer of \$16,480 in Impact Fee Assistance Program – Public Building to appropriate funds for Autumn Ridge.

SUMMARY: On July 27, 2020, the Department of Housing and Economic Sustainability issued a Notice of Funding Availability (NOFA) making \$2,172,279 in IFAHAP funding available from Palm Beach County's Fiscal Year 2019 funding cycle. Autumn Ridge, LLC, submitted an application in response to the NOFA. Staff recommends that up to \$326,954 be provided as a credit for impact fees associated with the Autumn Ridge project (Project). Autumn Ridge, LLC, will be given credits for Roads Zone 2 Impact Fees (\$310,474) and Public Building Impact Fees (\$16,480) for the construction of the Project. The Impact Fees will serve as the required match to the State Apartment Incentive Loan Program. Autumn Ridge, LLC, will pay impact fees above the allocated \$326,954. The Project entails construction of a 106 multifamily unit apartment building located at 1580-1610 North Congress Avenue in West Palm Beach. According to IFAHAP requirements, all units will be for rent to persons with incomes no greater than 140% of Area Median Income. The assisted units will be restricted to remain affordable for 20 years. **These funds are from interest earned by the Impact Fee Fund.** District 2 (HJF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve:

A) a resolution to approve the execution and recordation of five claims of lien, each of which imposes a lien in the amount of the total costs incurred by the County to abate unsafe structure(s) on each of five properties in the Boynton Waters West subdivision; and

B) a resolution to delegate authority to the Building Official or designee to execute and record future claims of lien to facilitate the County’s recoupment of costs incurred in the abatement of unsafe structures and equipment.

SUMMARY: The adoption of the Resolution approving execution of five claims of lien will facilitate the County’s recoupment of costs incurred in demolishing unsafe structures on five properties in the Boynton Waters West subdivision, in accordance with the methods prescribed by Palm Beach County Ordinance No. 2017-044, as codified in Chapter 7, Article IV, Section 7-52 of the Palm Beach County Code of Ordinances (the PBC Local Amendments). Each of the five liens is in the amount of \$15,365.02, for a total of \$76,825.10, which represents the total costs incurred to demolish unsafe structures on the five properties. The adoption of the resolution to delegate authority to the Building Official or designee to approve future execution and recordation of claims of lien assessing future costs incurred in abating unsafe structures and equipment will help to eliminate delays in recording claims of lien, which maximizes the County’s chances of recovering pursuant to these liens, and streamline the agenda processes. Countywide (CK)

2. Staff recommends motion to approve: the appointment of one new member to the Construction Board of Adjustments and Appeals.

<u>Appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Term</u>
Tim Wingate	2	Division 1 Contractor	10/6/20-10/5/23

SUMMARY: Tim Wingate has submitted an application to serve a three-year term as a Division I Contractor on the Construction Board of Adjustment and Appeals (the Board). The term of office for Board members is three years, with a limit of three consecutive three-year terms. The Board has 11 seats with 9 currently filled and a diversity count of Caucasian: 8 (90%) and Hispanic: 1 (10%). The gender ratio (female: male) is 2:7. The applicant is an African-American male. Staff will continue to address the need to increase diversity on our boards. Countywide (CK)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Work Authorization (WA) No. 2 to the Continuing Contract for Wastewater Gravity Lines and Manhole Rehabilitation (Contract) with Hinterland Group Inc., (Hinterland) for the Gravity Main and Manhole Rehabilitation (Project) in the amount of \$1,270,266.05. **SUMMARY:** On February 5, 2019, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2019-0216) with Hinterland. WA No.2 provides for the rehabilitation of approximately 32,000 linear feet of existing wastewater gravity pipelines located within West Palm Beach. The required work will include cleaning of the gravity sewer pipelines and manholes, video inspection, and rehabilitation of the pipelines and manholes where necessary. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Opportunity Ordinance on October 16, 2018. The SBE participation goal established under the 2002 Ordinance was 15% overall participation. The Contract provides for 91.845% SBE participation. WA No. 2 includes 100% SBE participation. The cumulative SBE participation including WA No. 2 is 100%. Hinterland is a Palm Beach County company. The Project is included in the PBCWUD FY21 Budget (PBCWUD Project 20-048) Districts 2 & 3 (MJ)

2. **Staff recommends motion to approve:** Work Authorization (WA) No. 6 to the 2019 Pipeline Continuing Construction Contract (Contract) with Johnson-Davis Incorporated (Contractor) for the Utility Adjustments for the City of Belle Glade Road Resurfacing Project - Phase 1 (Project) in the amount of \$1,904,713.79. **SUMMARY:** On February 11, 2020, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2020-0160) with Contractor. WA No. 6 provides for the replacement of the existing water mains along NE Ave I, NE 20th St, NW 7th St, NW Ave C, NW Ave F, NW Ave J and SE 4th St in the City of Belle Glade. The Project includes the installation of approximately 1,000 linear feet of 6-inch and 8,700 linear feet of 8-inch water mains including the associated valves, fire hydrants, water services, site restoration and appurtenances in accordance with the construction documents and governing regulations. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On April 3, 2019, the Goal Setting Committee applied an Affirmative Procurement Initiative of a mandatory 20% Small Business Enterprise (SBE) subcontracting participation. The Contract provides for 20.07% SBE participation. WA No. 6 includes 26.28% SBE participation. The cumulative SBE participation including WA No. 6 is 23.46%. Contractor is a Palm Beach County company. The Project is included in the PBCWUD FY21 budget. (PBCWUD Project No. 20-006) District 6 (MJ)

3. **Staff recommends motion to approve:** a Non-Standard Potable Water and Wastewater Development Agreement (Agreement) with Gulfstream Product Support Corporation (Tenant) for a period of five years beginning on October 6, 2020 through October 5, 2025. **SUMMARY:** The Tenant leases certain property from Palm Beach County (County) (R2020-0137) located north of Southern Boulevard and west of the Palm Beach International Airport in West Palm Beach. The Tenant wants to construct potable water and wastewater facilities to construct, operate, and maintain an aircraft maintenance, repair, and operation facility. In order to provide potable water and wastewater concurrency reservations for new facilities, the Palm Beach County Water Utilities Department (PBCWUD) requires developers to enter into a formal development agreement. While the PBCWUD Director has been delegated the authority to enter into Standard Development Agreements, the Board of County Commissioners approval is being sought in this case as certain provisions in the standard agreement are unnecessary due to the County ownership of the property. The Tenant has paid a Mandatory Agreement Payment in the amount of \$19,246.50, which is equal to 12 months of Guaranteed Revenue Fees. District 2 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. Staff recommends motion to approve: a contract with Foster Marine Contractors, Inc. (Contractor) for the Reclaimed Water Delivery Controls at Seminole Improvement District M2 Canal (Project) in the amount of \$243,700. **SUMMARY:** On May 27, 2020, the Palm Beach County Water Utilities Department (PBCWUD) received three bids for the Project. The Project includes the modification of an existing PBCWUD/Seminole Improvement District (SID) reclaimed water delivery control system at Okeechobee Boulevard and 168th Trail, adjacent to the SID M-2 Canal. Contractor was the lowest responsive and responsible bidder in the amount of \$243,700. The Project provides for the installation of an automatic pressure sustaining valve and electrical and instrumentation modifications. This contract was procured under the requirements of the Equal Business Opportunity Ordinance. On January 15, 2020, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a mandatory 20% Small Business Enterprise (SBE) subcontracting participation of which 5% shall be among certified African American and/or Hispanic American owned firms. The Contractor has met the established API for this contract. The contract provides for 46.28% SBE participation which includes 5.33% MBE participation, 5.33% MBE (H). Contractor is a Palm Beach County Company. The Project is included in the PBCWUD FY21 Budget. (PBCWUD Project No. 18-044R) District 6 (MJ)

5. Staff recommends motion to receive and file: Change Order (CO) No. 3 for the CD07 Palm Beach County Sanitary Sewer Collection System Rehabilitation Project Phase 2 (Project) with Hinterland Group Inc., (Contractor) in the amount of \$4,864.50 and for an additional 60 calendar days project time extension. **SUMMARY:** On May 7, 2019, the Board of County Commissioners (BCC) approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2019-0634) with Contractor. CO No. 1 was approved by PBCWUD in the amount of \$0 and provided for a 22-day time extension. CO No. 2 was approved by the Contract Review Committee (CRC) in the amount of \$0 and provided for a 60-day time extension. Change Order No. 3 was approved by the CRC on July 15, 2020 in the amount of \$4,864.50 and provided for a 60-day time extension. CO No. 3 additional time extension was granted as a result of material delays incurred by the sub-contractor due to COVID-19 to complete the lining of the gravity sewer laterals and to complete a point of repair on an existing sanitary sewer main due to differing site conditions. The cumulative time extension including CO Nos. 1, 2 and 3 is 142 days. County PPM CW-F-050 requires BCC notification when the cumulative limit of 120 days has been reached to reset the applicable time limit approvals. (PBCWUD Project No. 15-098B) District 5 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) approve an Easement Agreement for Dune Restoration with Claridge Jupiter Island Condominium Association, Inc. to facilitate the Coral Cove Dune Restoration Project (Project) effective upon execution for a term of 50 years;

B) approve an Easement Agreement for Dune Restoration with Beach Sound Condominium Association (of Palm Beach County), Inc. to facilitate the Coral Cove Dune Restoration Project effective upon execution for a term of 50 years;

C) approve an Easement Agreement for Dune Restoration with Ocean Sound Condominium Association, Inc. to facilitate the Coral Cove Dune Restoration Project effective upon execution for a term of 50 years;

D) approve an Easement Agreement for Dune Restoration with The Landfall Condominium Association, Inc. to facilitate the Coral Cove Dune Restoration Project effective upon execution for a term of 50 years;

E) approve an Easement Agreement for Dune Restoration with The Passages of Jupiter Island Condominium Association, Inc. to facilitate the Coral Cove Dune Restoration Project effective upon execution for a term of 25 years;

F) approve an Easement Agreement for Dune Restoration with Carlyle Jupiter Island Condominium Association, Inc. to facilitate the Coral Cove Dune Restoration Project effective upon execution for a term of 25 years;

G) approve an Easement Agreement for Dune Restoration with Seawatch at Jupiter Island Condominium Association, Inc. to facilitate the Coral Cove Dune Restoration Project effective upon execution for a term of 50 years;

H) approve an Easement Agreement for Dune Restoration with Turnberry Beach Road LLC to facilitate the Coral Cove Dune Restoration Project effective upon execution for a term of 50 years;

I) authorize the County Administrator or designee to sign all future time extensions, certifications, and other forms associated with the Agreements, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the agreements.

SUMMARY: The agreements provide construction access for dune restoration and maintenance activities within the Project area depicted on the attached Overview Map. The agreements replace similar expired easements and carry a term of 50 years, with the exception of The Passages and Carlyle, who requested a term of 25 years. The project includes dune restoration in an area designated by the Florida Department of Environmental Protection as “critically eroded”. Dune restoration reconstructs past dune profiles and stabilizes the sand with native dune vegetation. Easement agreements are required for construction access to the beach and dune areas within the project limits. There is no cost to the County. District 1 (SS)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. **Staff recommends motion to receive and file:** Certificate of Designation to Palm Beach County Library System – Main Library from the U.S. Department of State Passport Services to participate in the Passport Application Acceptance Program. **SUMMARY:** On September 10, 2019, the Board approved the submission of an application for the Palm Beach County Main Library to become a Passport Application Acceptance Facility. The U.S. Department of State approved the Library’s application to participate in the Passport Application Acceptance Program on February 21, 2020. No contract or agreement is required to start processing passports. Due to the COVID-19 pandemic, the Library was unable to move forward with passport processing in 2020. The Library is anticipating to start accepting applications in January 2021. Countywide (AH)

2. **Staff recommends motion to authorize:**

A) the Library Director to submit a Public Library Construction Grant application for \$500,000 to the Florida Department of State, Division of Library and Information Services for the Canyon Branch Library; and

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

SUMMARY: This grant is being submitted for the State’s FY 2022 budget. This grant application is for \$500,000 with local matching funds of \$500,000. If awarded, grant funds will be used towards the cost of construction, thus freeing up other funds for furnishing and equipping this library. The estimated cost for construction for the branch library is \$18 million. Construction on this building is scheduled to start at the end of calendar year 2021 and slated for completion in early 2023. The operational costs will be funded through the Library’s operating budget. Countywide (AH)

S. FIRE RESCUE

1. **Staff recommends motion to approve:** Personal Protective Equipment (PPE) Decontamination Services Agreement with Battelle Memorial Institute for the period October 6, 2020 through October 5, 2025. **SUMMARY:** This agreement allows Battelle to provide decontamination services for healthcare provider PPE, specifically N95 respirator masks. There is no cost to the County for the decontamination services; although the County is responsible for transportation to and from a Battelle approved decontamination facility. Battelle will receive and store contaminated PPE prior to decontamination, decontaminate and repackage PPE for its return to the County. In this agreement, Battelle’s maximum cumulative direct damages shall not exceed \$50,000. Countywide (AH)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to:

A) receive and file a Public Emergency Medical Transportation (PEMT) Letter of Agreement (LOA) with the State of Florida, Agency for Health Care Administration (AHCA) relating to intergovernmental transfer to the State for the supplemental payment program for Medicaid managed care patients for State FY 2019-2020; and

B) approve agreements with seven Medicaid Managed Care Organizations (MCO) listed below for the period October 1, 2019 through June 30, 2024, to allow for direct supplemental payments from the MCO to the County for their covered patients who are transported to a hospital:

1. Florida Community Care, LLC
2. Miami Children's Health Plan, LLC
3. WellCare of Florida, Inc. d/b/a/Staywell
4. Sunshine State Health Plan, Inc.
5. Simply Healthcare Plans, Inc. dba Clear Health Alliance
6. Florida True Health, Inc. d/b/a Prestige Health Choice
7. Humana Medical Plan, Inc.

SUMMARY: Last fall, AHCA established the Florida Medicaid Managed Care Supplemental Payment Program (MCO program), which will allow qualifying government owned ambulance providers to receive supplemental payments for emergency transports of Medicaid managed care patients. In order to guarantee Federal share funding, intergovernmental transfers (IGT) from PEMT providers are required to cover the State's share of the MCO program. On September 10, 2019, the Board delegated authority (R2019-1462) to execute LOAs with the State of Florida relating to IGTs for this program. One LOA is now being received and filed in accordance with PPM CW-O-051. Pursuant to the MCO agreements required by the program, the Medicaid MCOs will make payments to the County for their covered patients who are transported to a hospital. For the State's FY 2019-2020, the County's IGT was 689,717.33, and the County is expected to receive \$1,793,265 in supplemental payments from MCOs, for an estimated net revenue of \$1,103,548. For the State's FY 2020-2021, the County's IGT and estimated net revenue are expected to stay the same. We have scanned signatures on the LOAs for Simply Healthcare Plans, Inc. d/b/a Clear Health Alliance and Florida True Health, Inc. d/b/a Prestige Health Choice and are expected to receive the original signatures. Countywide (SB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

A) rescind Interlocal Agreement R2018-1027;

B) approve the replacement Interlocal Agreement providing updated contract terms for network services with the City of Palm Beach Gardens; and

C) authorize the County Administrator or designee to approve and execute task orders for additional IT services, up to a maximum dollar value of \$50,000 per task order.

SUMMARY: The City of Palm Beach Gardens has an existing Interlocal Agreement with Palm Beach County (R2018-1027) for network services. Staff recommends rescinding the existing agreement and replacing it with a new agreement for a period of one year with four automatic one-year renewals unless notice is given by either party. This new Interlocal Agreement includes updated contract terms to provide network services to the City of Palm Beach Gardens. The Florida LambdaRail, LLC has approved connection of the City of Palm Beach Gardens to the Florida LambdaRail network. District 1 (DB)

X. PUBLIC SAFETY

1. Staff recommends motion to approve: the following amendments to the Federally Funded Subaward and Grant Agreement Z1557 (R2020-0694) with the State of Florida Division of Emergency Management (FDEM) to authorize the reimbursement of eligible projects for Public Assistance funding:

A) Attachment C - Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion; and

B) Attachment I - Mandatory Contract Provisions.

SUMMARY: On August 30, 2019, the President of the United States issued a major disaster declaration designated “FEMA-4468-DR-FL” for the State of Florida as a result of Hurricane Dorian authorizing Public Assistance funding for eligible Florida counties. Public Assistance is a federal grant (CFDA #97.036) to aid state and local governments. On June 16, 2020, the Board of County Commissioners approved Grant Agreement Z1557. Attachment C first paragraph language has been modified to state “with respect to any Sub-recipient of the State” rather than “with respect to any Sub-recipient other than a State agency or political subdivision of the State”. Attachment I is an update from FEMA regarding Contract Provisions with updated Equal Employment Opportunity Language. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) approve a Memorandum of Agreement (MOA) for State-Owned Generators with the Florida Division of Emergency Management (FDEM) to receive three mobile trailer mounted generators to support hurricane preparedness and response to the COVID-19 public health emergency beginning upon execution and remain in effect until 19 years from June 1, 2020, or the date the unit is no longer serviceable as determined by the FDEM, whichever comes first; and

B) authorize the County Administrator or designee to execute amendments associated with the above MOA, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations.

SUMMARY: The FDEM recently purchased mobile trailer mounted generators to support hurricane season preparedness and response to the COVID-19 public health emergency. In an effort to maximize the utilization of these generators, the FDEM is seeking to collaborate with Palm Beach County to position and maintain these critical assets. The County can utilize the generators for necessary official government purposes. During a state or local declaration of an emergency, the highest priority use of the generators will be to support nursing homes, skilled nursing, assisted living, extended care facilities, medical facilities, designated congregate and non-congregate public shelters, and other essential facilities. The FDEM will be responsible for maintaining each generator that comes with a 24-month/1,000-hour limited and concurrent 60-month/2,500-hour Gold Extended warranty. The County will be responsible for the costs of storing/staging, preventative maintenance, repair, and necessary part replacements. The FDEM is providing three mobile trailer mounted generators to Palm Beach County for staging. Countywide (LDC)

3. Staff recommends motion to receive and file: the third amendment to contract for Adult Reentry Services (R2019-1568) with The Lord's Place, Inc. (TLP) to update the compensation chart and reduce contract amount by \$6,985 based on the award amount from the Florida Department of Law Enforcement (FDLE) Edward Byrne Memorial Justice Assistance Formula Grant. **SUMMARY:** Palm Beach County Division of Justice Services subcontracts with three reentry providers to coordinate adult and juvenile reentry services to those returning to Palm Beach County from incarceration. On October 8, 2019, the Board of County Commissioners authorized the County Administrator or designee to execute amendments and administrative documents associated with these contracts on behalf of the Board of County Commissioners after approval of legal sufficiency by the County Attorney's Office and within budgeted allocations. The third amendment to TLP adds compensation for Post-Release Basic Technology as an allowable expense. To ensure utilization of funding, the third amendment to TLP shifts ad valorem funding between case management and client support services. Furthermore, the third amendment to TLP decreases the project budget from \$427,233 to \$420,248 due to reduced funds from FDLE Edward Byrne Memorial JAG. This contract amendment is retroactive to April 1, 2020. Countywide (SF)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT

1. [Staff recommends motion to approve:](#) the purchase of airport liability insurance, for the period October 10, 2020 through October 10, 2021; to be purchased through the County's contracted broker, Arthur J. Gallagher & Co. for a total cost of \$132,500. **SUMMARY:** The renewal premium of \$132,500 for airport liability insurance represents no increase over the expiring premium for a \$200,000,000 limit of liability. In order to secure this premium, we will be moving to Starr Aviation from the incumbent, Chubb. After much negotiation, Chubb was unable to offer favorable renewal terms, necessitating the move. Staff believes any increase in premium is unnecessary this year as our airport traffic, and resulting claims experience have been greatly reduced due to COVID-19. All terms and limits will remain the same as the expiring policy, including the \$0 per claim deductible. Countywide (HH)

3. CONSENT AGENDA APPROVAL

Z. RISK MANAGEMENT (Cont'd)

2. Staff recommends motion to approve:

A) the third annual option to renew the Administrative Services Only (ASO) Agreement (R2017-1607) dated October 17, 2017 with Cigna Health and Life Insurance Company (CHLIC) for claims administration for the County's self-funded Health Maintenance Organization (HMO), Open Access Plus In Network (OAPIN), and Point of Service (POS), health insurance plans for the period January 1, 2021 through December 31, 2021 (plan year 2021);

B) CHLIC's proposed administrative fees, access fees, utilization fees, disease management fees, estimated at \$1,847,462, and specific stop loss premiums estimated at \$505,891 for the County's self-funded HMO, OAPIN, and POS health insurance plans for plan year 2021;

C) the actuarial rates per coverage tier for the County's self-funded HMO, OAPIN, and POS health insurance plans for plan year 2021; and

D) employee wellness participation cash incentives in the amount of \$25 per employee for completion of the online Health Risk Assessment (HRA) and \$25 per employee for participation in a biometric screening that meets the requirements of the County's wellness program.

SUMMARY: Staff recommends Board approval of the third annual option to renew the ASO Agreement with CHLIC for the period January 1, 2021 through December 31, 2021 on behalf of the employees of the Board of County Commissioners, Supervisor of Elections, and Palm Tran, Inc. (collectively participating in the plan through the provisions of Interlocal Agreement (R2002-2287). The total projected claims and administrative expenses for plan year 2021 are \$76,709,138, which represents an increase of \$5,006,287 over the actuary's projected cost of the expiring plan year. This includes expected claims of \$75,962,092 fixed administrative, access, utilization, and disease management fees of \$1,847,462, and stop loss insurance costs of \$505,891 paid to CHLIC. Based on the contract negotiated following a competitive Request for Proposal, plan year 2021 fixed ASO/Access fees include an agreed upon 2% capped increase, which are projected to total \$1,847,462. The increase in ASO/Access fees is projected at \$36,000 per year. Specific stop loss premiums are unchanged and the specific excess insurance cap remains at \$625,000 per claim for plan year 2021. Specific stop loss coverage protects the County against catastrophic claim losses and the premium is estimated at \$505,891 for 2021. The County will again receive an annual wellness allowance of \$175,000 for plan year 2021. As wellness activities were limited due to the COVID-19 pandemic in 2020, Cigna has agreed to rollover any remaining 2020 wellness balance to be spent by December 31, 2021. Staff is not recommending changes to County or employee funding for the HMO, OAPIN and POS plans for the 2021 plan year. Although projected plan expenses of \$76,709,138 exceed expected 2021 funding of \$72,700,000 by approximately \$4 million, the plan has sufficient reserves to securely meet the 60 days of claims safe harbor surplus margin required by the Office of Insurance Regulations (OIR). The actuary has certified that the program remains in a strong financial position and is projected to remain so through 2021 and will be sufficiently funded to maintain the required margin for the OIR safe harbor surplus threshold. Staff will closely monitor health fund financial performance and may find it necessary to recommend plan and/or premium changes in a future plan year, should claims trend higher. Sufficient funds have been budgeted to fund the program. Countywide (HH)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners (BCC), of Palm Beach County, Florida, accepting the grant award for FY19 Section 5310 from the State of Florida Department of Transportation (FDOT), in the amount of \$852,658 for capital assistance under grants for the enhanced mobility of seniors and individuals with disabilities CFDA 20.513, as administered by the Florida Department of Transportation (FDOT);

B) authorize the County Administrator or designee to sign the Notice of Grant Award FFY2019/YR44;

C) approve the purchase of ten paratransit vehicles from Florida Transportation Systems, Inc. from FDOT Contract TRIPS-17-CA-FTS-C, and one minivan from Sourcewell DMS Contract #25100000-19-1 utilizing \$852,658 in FDOT funds, \$94,740 in required match for a cumulative purchase price of \$947,398 pursuant to the terms and conditions of the Notice of Grant Award FFY2019 Section 5310; and

D) authorize the County Administrator or designee to submit the Order Form for FDOT Contract TRIPS-17-CA-FTS-C and for Sourcewell DMS Contract #25100000-19-1 to request purchase of the vehicles/equipment and/or expenditure of grant funds pursuant to a grant award.

SUMMARY: Palm Tran will utilize this grant to purchase 11 replacement paratransit vehicles at a total cost of \$947,398. The vehicles being replaced were purchased in 2015 with the Public Improvement Revenue Bond funds and have reached their end of life. This Notice of Grant Award, in the amount of \$852,658, for FY2019 Section 5310 funds requires a 10% match of \$94,740. The Notice of Award became effective upon FDOT Execution. Vehicles must be ordered by October 13, 2020. The required match is included in Palm Tran's FY2021 budget. Countywide (DR)

CC. SHERIFF

1. Staff recommends motion to:

A) accept on behalf of the Palm Beach County Sheriff's Office, a donation from The Howard E. Hill Foundation, Inc., in the amount, of \$50,000 for the FY2020-21 Gunfire Detection and Location Project; and

B) approve a budget amendment of \$50,000 in the Sheriff's Grant Fund.

SUMMARY: On August 18, 2020, the Palm Beach County Sheriff's Office (PBSO) accepted a donation from The Howard E. Hill Foundation, Inc., to offset the contractual services cost of the Gunfire Detection and Location Project. PBSO is providing a \$60,250 match requirement through our FY20 general fund budget. Countywide (LDC)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF (Cont'd)

2. Staff recommends motion to:

A) receive and file the second, third and fourth FDLE quarterly payments; and

B) approve a budget amendment to reduce the grant award budget amount from \$400,000 to \$335,796 in the Sheriff's Grant Fund.

SUMMARY: The Florida Department of Law Enforcement provides state financial assistance to five locally-funded laboratories in the State of Florida, including Palm Beach County. The Palm Beach County Sheriff's Office operates the Palm Beach County Crime Laboratory. The grant award was accepted by the Board of County Commissioners on December 17, 2019 (R2019-1939). Since the total award is not known in advance, \$400,000 was budgeted in the Sheriff's Grant Fund. The total final amount received is \$335,795.58. Thus, the budget needs to be amended to reconcile the budget amount with the actual grant value. There is no match requirement associated with this award. Countywide (DC)

DD. INTERNAL AUDIT

1. Staff recommends motion to:

A) reappoint the following individual to the Internal Audit Committee:

Seat #	Nominee	Seat Requirement	Term	Nominated by:
4	L. Marc Cohn	Not seat specific	Expires 9/30/23	Vice Mayor Weinroth Commissioner Bernard Commissioner Valeche

B) appoint the following individual to the Internal Audit Committee:

Seat #	Nominee	Seat Requirement	Term	Nominated by:
3	Michael Kohner	Not seat specific	Expires 9/30/21	Vice Mayor Weinroth Commissioner Bernard Commissioner Valeche

SUMMARY: At its June 17, 2020 meeting, the Committee unanimously recommended the reappointment of Mr. Cohn to Seat 4 and the promotion of Mr. Kohner to Seat #3 to complete the term of Adair Barton who resigned from the Committee. Mr. Kohner is currently serving as the Committee Alternate Member. If reappointed, Mr. Cohn will serve a three-year term ending September 30, 2023. If appointed to Seat #3, Mr. Kohner will serve the remainder of the current three-year term ending in September 2021. The audit committee has five full member seats and one alternate member seat. All members of the Internal Audit Committee are required to be citizens of the County, independent of County operations and officials, with experience in business or finance; government accounting, auditing, operations or financial management; or other relevant experience. Following these actions, the five full-member seats will be filled. The seat for the alternate member will be vacant following Mr. Kohner's appointment. Diversity count will be Caucasian: 3 (60%), Asian American: 1 (20%), and Hispanic: 1 (20%). The gender ratio (male: female) will be 4:1. Mr. Cohn and Mr. Kohner are Caucasian males. Countywide (DB)

3. CONSENT AGENDA APPROVAL

EE. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: an agreement with the Cultural Council for Palm Beach County, Inc., (Cultural Council) in the amount of \$250,000 authorizing the Cultural Council to award and administer grants to community-based, non-profit cultural organizations for Category C – Level 1 projects, and authorizing reimbursement of the Cultural Council for the costs of administering and monitoring the grants for the period beginning on October 1, 2020 and continuing through September 30, 2021. **SUMMARY:** The County shall provide a total of \$250,000 to the Cultural Council including \$212,500 to fund Category C-Level I (Small and Emerging Organizations, Children’s and Multicultural) projects of non-profit organizations pursuant to a grant process approved by County and \$37,500 to be utilized for Cultural Council administration expenses. Countywide (LDC)

* * * * *

OCTOBER 6, 2020

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

A) [COVID-19 Update by Dr. Alonso and County Staff](#)

B) **ADD-ON:** Wendy Link, Supervisor of Elections – Voting and Ballot Presentation

* * * * *

5. REGULAR AGENDA

A. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and advertisement for Public Hearing on Tuesday, November 17, 2020 at 9:30 a.m.:](#) an ordinance of the Board of County Commissioners (BCC) of Palm Beach County (County), Florida, amending Chapter 22, Article I, Section 22-2, of the Palm Beach County Code (Ordinance 87-12) governing Land Development Division (LDD) fees; providing for a repeal of laws and ordinances in conflict; providing for posting of fee schedule; providing for severability; and providing for an effective date. **SUMMARY:** This amended ordinance provides for an update to the fee schedule to provide funding for the various functions and services of the LDD, as well as other agencies that perform various functions and services on behalf of the LDD, such as the Roadway Production and Traffic Divisions of the Engineering Department. As provided in the ordinance, as amended, the fees shall be automatically increased to match the increase in the Consumer Price Index (CPI) on October 1 of each year. Changes in fee types, decreases in fees, or increases beyond the CPI increase shall continue to require a resolution by the BCC. Countywide (YBH)

B. AIRPORTS

1. [Staff recommends motion to approve:](#) Amendment No. 4 to the General Consulting Agreement with AECOM Technical Services, Inc. (AECOM) for Consulting/Professional Services in the amount of \$1,789,325 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement with AECOM for general airport planning and design was approved by the Board on March 12, 2019 (R2019-0301) in the amount of \$828,984.74 in order to carry out the approved Capital Improvement Programs for the County's Airports. Amendment No. 1 was approved by the Board on August 20, 2019 (R2019-1160) increasing the amount of the contract by \$1,032,651.29. Amendment No. 2 was approved by the Board on February 4, 2020 (R2020-0079) increasing the amount of the contract by \$1,753,356.78. Amendment No. 3 was approved by the Board on June 16, 2020 (R2020-0639) increasing the amount of the contract by \$885,789.10. Approval of Amendment No. 4 will modify Article 21, Access and Audits, of the agreement and provide an additional \$1,789,325 to complete the following tasks: Task I Services – Palm Beach International Airport (PBI) Airfield Marking Assessment, Development of Maintenance Plan and Training; PBI Miscellaneous Financial Planning Services; PBI Terminal Roof Improvements; PBI Stormwater Master Plan Update; PBI Airport Plans Review and Revision Services; PBI Common Use Gate Re-Striping; PBI Terminal Temperature and Humidity Issues Construction Administration (CA) Services; PBI Building 846 Uninterruptible Power Supply (UPS) Replacement CA Services and Arc Flash Update; PBI Fire Pump CA Services and Arc Flash Studies; PBI Chillers 4 and 5 Replacement; and Task III Services - Miscellaneous Planning and Engineering Services. Work to be completed under these Task III Services will be issued in accordance with PPM CW-F-050, by way of a separate proposal or task authorization. AECOM is a Los Angeles, California based firm; however, the majority of the work to be completed in this agreement will be completed and/or managed through their West Palm Beach and Tampa, Florida offices in conjunction with several Palm Beach County-based sub-consultants and firms. A Disadvantaged Business Enterprise (DBE) goal of 18% was set for this contract. AECOM committed to 18% in its proposal. The anticipated DBE participation based upon the approved tasks is approximately 37%. The current paid to date DBE participation is approximately 17%. The DBE participation for this Amendment is approximately 33%. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This amendment exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

5. REGULAR AGENDA

C. HOUSING AND ECONOMIC SUSTAINABILITY

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (Christian Manor) in the amount of \$18,000,000. **SUMMARY:** The bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (Authority), to finance the costs of acquiring, constructing, renovating and equipping a multifamily rental housing facility for the elderly containing approximately 200 units which is known as Christian Manor (Project). The Project is located at 325 Executive Center Drive in West Palm Beach. These units will be rented to qualified persons and families whose household incomes do not exceed 60% of area median income. The borrower is Christian Manor Restoration, LLC, or an affiliate thereof (Borrower). The Borrower is a wholly controlled entity of Phase Housing Corporation, Inc., a Florida non-profit corporation. The bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Bryant Miller Olive P.A. is Bond Counsel to the Authority with respect to the Bonds and Stifel, Nicolas & Company, Incorporated or a related entity is the underwriter of the bonds. On September 11, 2020, the Authority held a public hearing with respect to the bonds in the noticed principal amount of \$18,000,000 as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (Code). **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the bonds.** District 7 (DB)

2. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds (San Marco Villas) in the amount of \$50,000,000. **SUMMARY:** The bonds are being issued by the Housing Finance Authority of Palm Beach County, Florida (Authority), to finance the costs of acquiring, constructing, renovating and equipping a multifamily rental housing facility containing approximately 400 units which is known as San Marco Villas (Project). The Project is located at 800 Venetian Isles Drive in Lake Park. These units will be rented to qualified persons and families whose household incomes do not exceed 60% of area median income. The borrower is San Marco Affordable LLC, or an affiliate thereof (Borrower), and the Borrower is affiliated with the developer, Southport Development Inc. The bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Bryant Miller Olive P.A. is Bond Counsel to the Authority with respect to the bonds and JLL Capital Markets or a related entity is the initial purchaser of the bonds. On September 11, 2020, the Authority held a public hearing with respect to the bonds in the noticed principal amount of \$50,000,000 as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (Code). **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the bonds.** District 7 (DB)

5. REGULAR AGENDA

C. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

3. Staff recommends motion to:

A) conduct a Tax Equity & Fiscal Responsibility Act (TEFRA) public hearing concerning the proposed issuance of one or more series of revenue bonds (the Bonds) in an aggregate principal amount not to exceed \$74,000,000, including an amount not to exceed \$22,000,000 with respect to the capital facilities located in Palm Beach County, Florida, by the Public Finance Authority (the Authority); and

B) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, approving the issuance by the Public Finance Authority of its revenue bonds (The Carmelite System, Inc. Obligated Group), in one or more series, in an aggregate principal amount not to exceed \$74,000,000, including an amount not to exceed \$22,000,000 with respect to capital facilities located in Palm Beach County, Florida, for the purpose, among other things, of financing or refinancing the costs of acquisition, construction, improvement, and equipping of health care facilities owned and operated by one or more affiliates of The Carmelite System, Inc., including Lourdes-Noreen McKeen Residence for Geriatric Care, Inc., and certain other matters relating thereto; and providing an effective date.

SUMMARY: The Bonds (not to exceed \$74,000,000) will be issued by the Authority and the Bond proceeds will be used to make a loan to The Carmelite System, Inc. (Corporation) to finance or refinance the costs of acquisition, construction, improvement, and equipping of various senior living facilities, including facilities owned and operated by Lourdes-Noreen McKeen Residence for Geriatric Care, Inc. (an affiliate of the Corporation), located at 315 South Flagler Drive in West Palm Beach. The Authority is authorized to finance facilities located both within and outside of the State of Wisconsin. The Bonds will include an amount not to exceed \$22,000,000 to finance and refinance capital facilities located in Palm Beach County. The Internal Revenue Code requires that the Public Finance Authority obtain approval through a public hearing of each governing body, state or local government jurisdiction in which the financed facilities are to be located. However, adoption of this resolution does not in any way obligate the County. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay the principal, premium, if any, or interest on the Bonds.** District 7 (DB)

4. Staff recommends motion to approve: Amendment No. 4 to the Agreement (R2016-1422) with the Business Development Board of Palm Beach County, Inc. (BDB) to amend the Scope of Services. **SUMMARY:** On September 27, 2016, the Board of County Commissioners entered into an agreement (R2016-1422), as amended on November 7, 2017 (R2017-1707), December 18, 2018 (R2018-2066), and December 17, 2019 (R2019-1946), with the BDB to provide business recruitment, expansion, and retention services and general marketing for Palm Beach County. The agreement period is from October 1, 2016 through September 20, 2021 and it is in the fifth year of its five year term. The annual contractual award amount remains at \$1,431,470 representing no more than 50% of BDB's annual funding level. The public/private partnership between the County and the BDB works toward creating a stable and diverse economic climate throughout Palm Beach County. The Agreement's Scope of Services is reviewed annually and revised as appropriate to capitalize on changes within the Palm Beach County economy and business community. Revisions were primarily made in response to COVID-19 and reflect efforts to minimize in-person meetings and travel in order to comply with health and safety best-practices. The revised Scope of Services is provided as an attachment to this agenda item. These are County Ad Valorem funds. Countywide (DB)

5. REGULAR AGENDA

C. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

5. Staff recommends motion to approve: an Interlocal Cooperation Agreement with the City of Westlake. **SUMMARY:** In order to receive funding under the Federal Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) Programs from the U.S. Department of Housing and Urban Development (HUD), Palm Beach County must requalify every three years for HUD's designation as an Urban County Program. The County's current designation will expire on September 30, 2021, and a new application for requalification for Fiscal Years 2021-2024 is now due to HUD. The City of Westlake has agreed to participate with the County in the formulation of the Urban County Program jurisdiction and has executed an Interlocal Cooperation Agreement. With the addition of Westlake, the total number of municipalities that have agreed to participate with the County is now 31. Staff recommends approval the agreement. CDBG funds require no local match. HOME funds require a local match, which is provided by program income from the State Housing Initiatives Partnership Program. ESG funds require a local match, which is provided by funded agencies, the Division of Human Services, and the Department of Housing and Economic Sustainability. Countywide (HJF)

6. Staff recommends motion to:

A) approve a HOME Investment Partnerships Program (HOME) award of \$670,000 to SP Palm Beach, LLC;

B) direct staff to negotiate the Grant Agreement; and

C) authorize the County Administrator or designee to execute the Grant Agreement, amendments thereto, and all other documents necessary for project implementation.

SUMMARY: On August 16, 2020, the Department of Housing and Economic Sustainability (DHES) issued Request for Proposals HES.2020.2 (RFP) making \$670,000 in Federal HOME funding available for a Local Government Area of Opportunity Funding (LGAOF) grant contribution to multi-family housing developers seeking tax credits from the Florida Housing Finance Corporation (FHFC) 9% Housing Credits Program. Per FHFC rules, the LGAOF contribution may only be made to one project. A selection committee consisting of five voting members met at a public meeting held on September 18, 2020, and recommended funding a \$670,000 grant to SP Palm Beach, LLC (an affiliate of Southport Financial Services, Inc.) for Calusa Pointe, a 140-unit multifamily rental development for the elderly to be located at the southeast quadrant of State Road 80 and County Road 827 in the City of Belle Glade. The project will construct 140 one-, two-, and three-bedroom apartments affordable to households with incomes no greater than 60% of Area Median Income (AMI). The project will include 37 HOME-assisted units of which 14 will be set aside for households with incomes no greater than 50% of AMI and 23 will be set aside for households with incomes no greater than 28% AMI. The HOME-assisted units will remain affordable for no less than 30 years. The HOME award is contingent on FHFC approval of 9% Housing Credits for Calusa Pointe. If the 9% Housing Credits are not approved by FHFC, the HOME award to Calusa Pointe will be automatically cancelled and the HOME funds will be reprogrammed. The Grant Agreement and related documents pursuant to these HOME funds will be between the County and SP Palm Beach, LLC (and its respective successors and/or assigns). To facilitate project implementation, staff requests authorization for the County Administrator or designee to execute the Grant Agreement and related documents. These are Federal HOME Program grant funds which require a 25% local match provided by State SHIP grant funds. District 6 (HJF)

5. REGULAR AGENDA

C. HOUSING AND ECONOMIC SUSTAINABILITY (Cont'd)

7. Staff recommends motion to execute: a “Certification By State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan” for the Palm Beach County Housing Authority (PBCHA) in connection with its Five Year Plan for Fiscal Years 2021-2024 and Annual Plan for Fiscal Year 2020-2021. **SUMMARY:** The PBCHA has prepared its Five Year Plan for Fiscal Years 2021-2024 and its Annual Plan for Fiscal Year 2020-2021. Both plans are due to the Department of Housing and Urban Development (HUD) by October 18, 2020. HUD requires the County to confirm that the plans and programs outlined in PBCHA’s Five Year Plan and Annual Plan are consistent with the goals and objectives set forth in the County’s Consolidated Plan. Consistency with the Consolidated Plan is documented through a “Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan.” The Department of Housing and Economic Sustainability (DHES) has reviewed the PBCHA Five Year Plan and Annual Plan and determined that the goals, objectives, and activities outlined therein are consistent with the Palm Beach County Consolidated Plan for Fiscal Years 2020-2024. Specifically, the PBCHA plans will target assistance to households with incomes of no more than 30% of Area Median Income (AMI) and 50% of AMI, as well as the elderly and families with disabilities. The PBCHA plans also call for activities to affirmatively further fair housing, increase the number of affordable housing units, and de-concentrate public housing. The County’s Consolidated Plan identified the need for rental housing which is affordable to families with incomes of up to 80% of AMI, and needs for more affordable rental housing for the elderly and persons with disabilities, among others. Countywide (HJF)

D. ADMINISTRATION

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the Florida Department of Agriculture and Consumer Services (FDACS) to require a competitive process for the 2021 expiring contract for the U.S. Department of Agriculture’s (USDA) Emergency Food Assistance Program (TEFAP) for Region 8, and to split Region 8 which currently combines Palm Beach and Broward Counties into two separate regions, thereby establishing Palm Beach County as its own region for administration of TEFAP. **SUMMARY:** The proposed Resolution is to urge FDACS to issue a competitive solicitation for state contracts, for the fiscal year beginning October 1, 2021, to administer the TEFAP program, and to separate Region 8, which currently combines Palm Beach and Broward Counties, into two separate regions under the program. State contracts to administer TEFAP have not been competitively bid since 2010. FDACS executes the program in Florida through contracts with one Contracted Distributing Agency (CDA) in each of nine regions. Palm Beach County and Broward County are currently combined into one region (Region 8). By combining Palm Beach and Broward Counties, FDACS effectively limits otherwise eligible Palm Beach County based organizations from successfully competing to administer the TEFAP program in Palm Beach County. Palm Beach County is the third largest county by population in Florida and second largest geographically, and Palm Beach County has a higher population than three TEFAP regions that have their own CDA. Staff recommends the adoption of the resolution that urges: 1) FDACS to require a competitive process for the 2021 expiring contract in place for Region 8; and 2) the creation of two separate regions, thereby establishing Palm Beach County as its own independent region with its own CDA to administer the TEFAP program for Palm Beach County. Countywide (HH)

5. REGULAR AGENDA

E. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

- 1. **Staff recommends motion to approve:** a budget amendment in the CARES Act Relief Fund of \$1,050,000 to recognize Interest and Balance Brought Forward and reallocate funds due to change in fiscal strategy. **SUMMARY:** Pursuant to the CARES Act Relief Fund program, the County received an automatic payment of \$261,174,823 on April 23, 2020. The County has until December 30, 2020 to expend funds. These funds must only be used to prevent, prepare for, and respond to coronavirus. The budget amendment recognizes \$1,050,000 in interest earned in excess of budget during FY 2020 and expected to be earned in FY 2021. This brings the total budget for CRF to \$263,224,823. As presented to the Board of County Commissioners on September 15, 2020, there is approximately \$41 million available in the various fiscal strategy categories. These funds will be transferred to Broadband (\$3,750,000), Culture Grants (\$1,025,000), Not for Profit Grants ~~(\$4,400,000)~~ (\$4,240,000), Health Department Contract Tracing (\$1,000,000), General Expenses (\$4,000,000) and the balance to reserves ~~(\$28,895,000)~~ (\$28,055,000). Countywide (DB)

F. SHERIFF

- 1. **Staff recommends motion to approve:**
 - A) an amendment in the Federal Justice Law Enforcement Trust Fund (LETF) to establish the balance brought forward and reserve in the amount of \$408,463;
 - B) an amendment in the Federal Treasury LETF to establish the balance brought forward and reserve in the amount of \$360,528; and
 - C) a budget transfer of \$220,000 from the Federal Justice LETF to the Palm Beach County Sheriff's Office (PBSO).

SUMMARY: Recent guidelines provided to all Florida Sheriffs from the Department of Justice's Money Laundering and Asset Recovery Section and the Department of the Treasury Executive Office for Asset Forfeiture clarifies that the law enforcement agency's governing body must maintain and administer federal equitable sharing funds, and approve expenditures of these funds, in compliance with the 2018 Guide to Equitable Sharing for State, Local and Tribal Law Enforcement Agencies (GUIDE). All agencies must transition their federal equitable sharing accounts to their county finance office by September 30, 2020. The transfer of funds requested above will provide office space for PBSO staff, via lease, for six months of the current fiscal year. The PBSO certifies that the use of these funds is in accordance with the GUIDE. The GUIDE provides that seizing law enforcement agencies shall use Justice and Treasury Forfeiture proceeds for law enforcement purposes only. Permissible uses include: law enforcement operations and investigations; law enforcement training and education; law enforcement, public safety, and detention facilities; law enforcement equipment; joint law enforcement/public safety operations; contracts for services; law enforcement travel and per diem; law enforcement awards and memorials; drug, gang and other prevention or awareness programs; matching grants; and support of community-based organizations. Use of LETF requires approval by the Board, upon request of the Sheriff. No new positions are needed and no additional County funds are required. Countywide (DC)

G. COUNTY ATTORNEY

- 1. **Staff recommends motion granting:** Deputy County Attorney's request: 1) to schedule a private meeting for an attorney-client session between the Board of County Commissioners, the County Administrator, the Deputy County Attorney, Chief Assistant County Attorney, and outside counsel pursuant to Section 286.011(8), Florida Statutes to discuss settlement strategy of pending litigation in which Palm Beach County is presently a party: In re: National Prescription Opiate Litigation, case number: MDL 2804 (N.D. Ohio) and Palm Beach County v. Purdue Pharma, et al., case number: 1:18-op-46121-DAP (N.D. Ohio); and 2) to give public notice of a private meeting for an attorney-client session, which will be held at 12:00 p.m. on October 20, 2020, in the Thomas McEaddy Conference Room, 301 North Olive Avenue, 12th Floor, West Palm Beach, Florida, and placing further notice of the private meeting on the agenda of the Board of County Commissioners for its meeting. The following persons will attend the meeting with the members of the Board of County Commissioners who are present at that time: Verdenia Baker, County Administrator; Denise Coffman, Deputy County Attorney; David Ottey, Chief Assistant County Attorney; James L. Ferraro, outside counsel; James Ferraro Jr. outside counsel; Hunter Shkolnik, outside counsel; and Janpaul Portal, outside counsel. **SUMMARY:** The Board will discuss settlement strategy. Countywide (DO)

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE CHILD CARE FACILITIES BOARD

6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD

A. HEALTH DEPARTMENT

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board: Providing an amendment to Article IV of the Palm Beach County Rules and Regulations Governing Family Child Care Homes and Large Family Child Care Homes; Providing for Repeal of Laws in Conflict; Providing for inclusion in the Code; Providing for Severability; Providing for a savings clause; and Providing for an effective date. **SUMMARY:** The Child Care Advisory Council is comprised of seven members who serve at the pleasure of the Board of County Commissioners. Members must consist of two members who represent and operate private child care facilities in Palm Beach County, one of whom operates a family child care home or large family child care home (Seats 1 and 2); one member who represents and operates a parochial child care facility in Palm Beach County (Seat 3); one consumer protection enforcement official (Seat 4); one member for fire protection, engineering or technology (Seat 5); one member who, at the time of appointment, was the parent of a child attending a child care facility in Palm Beach County (Seat 6); and one representative from the Florida Department of Children and Families (Seat 7). This Resolution clarifies that members filling Seats 4 and 5 may be County Employees. Countywide (HH)

2. **Staff recommends motion to approve:** reappointment of two members to the Child Care Advisory Council to fill the positions of a representative who operates a parochial child care facility and of a representative who is a consumer protection enforcement official. The appointments will expire September 30, 2020.

SEAT #	NOMINEE:	REQUIREMENT:	Term	NOMINATED BY:
3	Sandra Wilensky	Represents and operates a parochial child care facility	10/1/20 to 9/30/23	Comm. McKinlay Comm. Weiss Vice-Mayor Weinroth
4	Terry Newton	Employed as Consumer Protection Enforcement Official	10/1/20 to 9/30/23	Comm. McKinlay Comm. Weiss Vice-Mayor Weinroth

SUMMARY: The Child Care Advisory Council is comprised of seven members who serve at the pleasure of the Board of County Commissioners. Members must consist of two members who represent and operate private child care facilities in Palm Beach County, one of whom operates a family day care home or large family child care home; one member who represents and operates a parochial child care facility in Palm Beach County; one consumer protection enforcement official; one member for fire protection, engineering or technology; and one member who, at the time of appointment, was the parent of a child attending a child care facility in Palm Beach County; and one representative from the Florida Department of Children and Families. The applicant for appointment to Seat 3, Sandra Wilensky, is the operator of a child care facility owned by Temple Beth Torah of Palm Beach County, Inc. The applicant for the appointment to Seat 4, Terry Newton, is a consumer protection enforcement official for Palm Beach County Consumer Affairs Division. With this approval, the Council will consist of seven members: one African-American male (14.3%), one African-American female (14.3%), and five Caucasian females (71.4%). The gender ratio (female:male) is 6:1. Countywide (HH)

ADJOURN AS THE CHILD CARE FACILITIES BOARD

RECOVENE AS THE BOARD OF COUNTY COMMISSIONERS

OCTOBER 6, 2020

7. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

1. [Staff recommends motion to receive and file:](#) the updated Board Directive Reports which include in process and completed board directive items. **SUMMARY:** At the February 6, 2018 Board of County Commissioners Meeting, direction was given to the County Administrator to submit monthly a status report of the board directives. The report categorizes: **1)** In Process Items and **2)** Completed Items. The report continues to be updated on an on-going basis. Countywide (DN)

B. COUNTY ATTORNEY

OCTOBER 6, 2020

9. COMMISSIONER COMMENTS

District 1 – COMMISSIONER HAL R. VALECHE

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER DAVE KERNER

Request for off-site Proclamation declaring September 15-October 15, 2020 as National Hispanic Heritage Month in Palm Beach County

District 4 – COMMISSIONER ROBERT S. WEINROTH

District 5 - COMMISSIONER MARY LOU BERGER

Request for off-site Proclamation declaring October 2020 as Guardianship Awareness Month in Palm Beach County

District 6 - COMMISSIONER MELISSA MCKINLAY

Request for off-site Proclamation declaring October 4-10, 2020 as National 4-H Week in Palm Beach County

District 7 – COMMISSIONER MACK BERNARD

Request for off-site Proclamation declaring October 2020 as Poverty Awareness Month in Palm Beach County

Request for off-site Proclamation declaring October 11-17, 2020 as Mediation Week in Palm Beach County

Request for off-site Proclamation declaring October 2020 as Meet the Blind Month in Palm Beach County (Commissioner Bernard)

OCTOBER 6, 2020

10. MATTERS BY THE PUBLIC – 2:00 P.M.

* * * * *

OCTOBER 6, 2020

11. 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."