

January 24, 2023
9:30am

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

JANUARY 24, 2023

PAGE **ITEM**

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**

JANUARY 24, 2023

**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 6-28)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 29-30)**

- 5. REGULAR AGENDA (Pages 31-33)**

- 6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD (Page 34)**

- 7. BOARD APPOINTMENTS (Page 35)**

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- 9. BCC COMMENTS (Page 37)**

- 10. ADJOURNMENT (Page 38)**

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- 3B-2 Minutes
- 3B-3 Contracts and claims settlements list
- 3B-4 Review Report of County Officials Bonds
- 3B-5 Change orders, work task orders, minor contracts, final payments, etc.

C. ENGINEERING & PUBLIC WORKS

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- 3C-1 Supplement to contract with HSQ Group, LLC for the Australian Avenue Drainage Improvements from Banyan Boulevard to 45th Street project

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BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD

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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>
June 21, 2022	Workshop
June 23, 2022	Zoning

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:**

A) review for sufficiency Report of County Officials Bonds dated January 2023; and

B) receive and file Report of County Officials Bonds dated January 2023.

SUMMARY: Ordinance No. 98-51 sets the various bond amounts for specified County officers and provides for examination of the sufficiency of all the bonds at the regular meeting of the Board of County Commissioners in January and June of each year. Countywide (DB)

5. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during December of 2022. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve: Supplement No. 1 (Supplement) to the Australian Avenue Drainage Improvements from Banyan Boulevard to 45th Street (Project) Contract (R2022-0335) dated April 12, 2022 (Contract) with HSQ Group, LLC (HSQ) in the amount of \$110,889.00 for professional services for the Project. **SUMMARY:** Approval of this Supplement will provide the professional services for the design necessary to replace the existing bridge over Clear Lake as required by the City of West Palm Beach, the permitting entity for crossing Clear Lake. The Affirmative Procurement Initiatives selected for this Contract on October 7, 2020 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. HSQ agreed to 88% SBE participation for the Contract. HSQ agreed to 25.80% SBE participation for this Supplement. The cumulative SBE participation to date for the Contract including this Supplement is 90.35%. HSQ has an office located in Palm Beach County and is a certified SBE company. The original Contract amount was \$2,420,816.13. **This Project is included in the Five-Year Road Program and the infrastructure sales tax.** District 7 (YBH)

F. AIRPORTS

1. Staff recommends motion to receive and file: six Consent to Sublease (Consent) documents, consenting to the sublease of space by Atlantic Aviation – West Palm Beach LLC d/b/a Atlantic Aviation PBI (Atlantic) at the Palm Beach International Airport (PBI), with the following subtenants:
 1. Haupt, LLC effective as of November 1, 2022.
 2. Prospero Staff LLC effective as of August 1, 2022.
 3. Adventure Guy Aviation, LLC effective as of November 1, 2022.
 4. Executive Jet Management, Inc. effective as of September 1, 2022.
 5. Frank Howington effective as of December 1, 2022.
 6. Altisimo LLC, effective as of November 1, 2022.

SUMMARY: Atlantic provides fixed based operator services for general aviation aircraft at PBI pursuant to a lease agreement dated October 18, 2000 (R2000-1067, as amended). The lease agreement provides for the sublease of space subject to the County's consent. Delegation of authority for execution of the standard form consent to sublease was approved by the Board in R94-1453. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

2. Staff recommends motion to receive and file: an amendment for extension of the following Public Transportation Grant Agreements (PTGAs) with the Florida Department of Transportation. Delegation of authority for execution of the amendments for extension of the PTGAs was approved by the Board on August 25, 2020 (R2020-1017):

A) Golfview West Canal Relocation/Culvert at Palm Beach International Airport (PBI), Financial Project Number 441608-1 approved by the Board on May 5, 2020 (R2020-0415 and R2020-0416), until September 30, 2023;

B) Concourse B Expansion at PBI, Financial Management Number 440664-1 approved by the Board May 5, 2020 (R2020-0421 and R2020-0422), until December 31, 2024;

C) Terminal Roof Improvements at PBI, Financial Project Number 447618-1 approved by the Board August 25, 2020 (R2020-1024 and R2020-1025), until March 31, 2024;

D) Security Infrastructure and Operational Improvements Program – Phase 2 at Palm Beach County Park Airport (LNA), Financial Project Number 445945-1 approved by the Board May 5, 2020 (R2020-0419 and R2020-0420), until December 31, 2023; and

E) Runway 10-28 (formerly Runway 9-27) Rehab at LNA, Financial Project Number 440102-1 approved by the Board December 3, 2019 (R2019-1841 and R2019-1842), until December 31, 2023.

SUMMARY: The amendment for extension of the PTGAs extends the availability of grant funding to allow for the completion of the various airport projects. Item A will provide for the installation of a 1,000-foot culvert in the E-3 1/2 canal on the west side of PBI. The County owns several parcels on the west side of the existing canal adjacent to Military Trail, which are managed by the Department of Airports. The installation of the culvert south of Green Street will allow for additional opportunities for aviation-related development in this area with access to the airfield. Item B provides for the expansion of Concourse B at PBI. This expansion will provide for additional gate capacity, improved passenger queuing and seating, expanded restroom facilities, and additional opportunities for enhanced concessions. Item C provides for the replacement of the main terminal roof system, including remediation at the expansion joints and walls of the parking garage to mitigate the source of the water intrusion. The replacement of this roof is necessary to protect and preserve the functionality and usability of the facility while mitigating for existing impacts to tenant space within the facility. Item D provides infrastructure and operational improvements to enhance security at LNA. Item E provides for rehabilitation activities on Runway 10-28 at LNA in an effort to extend the useful life of the pavement. Countywide (AH)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to receive and file: approved amendment to the Town of Lake Park Community Redevelopment Agency (CRA) Master Plan. **SUMMARY:** The Town of Lake Park has submitted its approved amendment to their CRA Master Plan per Section 163.361, Florida Statutes. In summary, the Plan's intent is to ensure that changes to the built environment within the CRA, result in a more diversified local economy, with new employment opportunities, increased overall community health, and improved housing conditions, and an upgraded quality of life for CRA residents and stakeholders. The CRA has identified potential areas for future CRA boundary expansion. More specifically, the Plan states, "6.1- Potential CRA Expansion: Evaluate and explore potential limited expansion of the CRA to connect to the 10th Street gateway and adaptive reuse opportunity at Northlake Boulevard and to retain workforce housing and improve the conditions of the residential community along the north side of Silver Beach Road." The identified proposed expansion areas remain conceptual, and no timeline for expansion was provided within the Plan. Finding of Necessity required to expand the CRA's boundaries has not occurred to date. District 7 (DB)

2. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$10,000 for the full satisfaction of a code enforcement lien that was entered against M&A Capital Investment, Inc. on January 17, 2018. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an Order on August 2, 2017 for the property owned by M&A Capital Investment, Inc. (M&A) giving them until November 30, 2017 to bring the property located at 4226 42nd Ave S, Lake Worth into full code compliance. The property was cited for construction work without first obtaining required building permits. Compliance with the CESM's Order was not achieved, and a fine of \$100 per day was imposed. The CESM then entered a claim of lien against M&A on January 17, 2018. The Code Enforcement Division issued an affidavit of compliance for the property on September 27, 2018. The total accrued lien amount on August 29, 2022, the date on which settlement discussions began, totaled \$37,464.83, of which M&A has agreed to pay Palm Beach County \$10,000 (27%) for full settlement of the outstanding code enforcement lien. District 3 (SF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: Standard License Agreement for Use of County-Owned Property for a period of November 29, 2022 through April 16, 2023, with the City of Delray Beach (South County Courthouse Parking Garage) for event parking. **SUMMARY:** 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 Standard Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee, who in this case was the Director of the Facilities Development and Operations Department. The Standard License Agreement was approved in accordance with R2002-1980. This executed document is being submitted to the Board to receive and file. (FDO Admin) Countywide (YBH)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to receive and file:

A) Second Amendment to Interlocal Agreement with City of Boynton Beach dated November 17, 2022 to extend the term of the Agreement for acceptance of City referred individuals into the Homeless Resource Center (HRC) through October 22, 2027;

B) Second Amendment to Interlocal Agreement with Town of Lake Clarke Shores dated November 17, 2022 to extend the term of the Agreement for acceptance of Town referred individuals into the HRC through July 10, 2027;

C) Second Amendment to Interlocal Agreement with Town of Lake Park dated September 16, 2022 to extend the term of the Agreement for acceptance of Town referred individuals into the HRC through July 10, 2027;

D) Second Amendment to Interlocal Agreement with City of Lake Worth Beach dated November 17, 2022, to extend the term of the Agreement for acceptance of City referred individuals into the HRC through September 18, 2027; and

E) Second Amendment to Interlocal Agreement with Village of Wellington dated November 17, 2022 to extend the term of the Agreement for acceptance of Village referred individuals into the HRC through May 20, 2027.

SUMMARY: 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 Interlocal Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator or designee, which in this case was the Director of Facilities Development and Operations (FDO). The Standard Interlocal Agreement was approved by the Board on December 20, 2011 with Agenda Item 3H-7. These executed documents are now being submitted to the Board to receive and file. (FDO Admin) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: Work Order No. 22-023 to the annual Heating, Ventilation and Air Conditioning (HVAC) contract with Florida Mechanical LLC (R2020-0021) in the amount of \$816,219 for the Palm Beach County Convention Center – Air Handler Unit (AHU) Refurbishment/Replacement (Re-Bid) project for a period of 120 calendar days from permit issuance. **SUMMARY:** The work consists of furnishing the labor, equipment and materials needed to remove and refurbish/replace AHUs #1, 8, 9, 10 and 15. The existing equipment is 20 years old and has outlived its useful life. The refurbished/replaced AHUs will be more efficient and provide years of dependable service. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 120 calendar days from permit issuance to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$80 per day. This work order was solicited pursuant to the annual HVAC contract and the requirements of the Equal Business Opportunity Ordinance. The HVAC annual contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives (API) of sheltered market for projects less than \$100,000 or 10% Small Business Enterprises (SBE) price preference for projects \$100,000 or greater. Since this project was over \$100,000, the SBE price preference API was applied. Florida Mechanical LLC is not a certified SBE. The contractor will provide 3.68% SBE subcontracting participation on this work order. Cumulative SBE participation on the annual HVAC contract is 29.16%. Funding for this project is from the TDC – Building Renewal and Replacement fund. (Capital Improvements Division) District 2 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: Work Order No. 23-001 to the annual Heating, Ventilation and Air Conditioning (HVAC) contract with Thermal Concepts, LLC (R2020-0237) in the amount of \$595,443 for the Main County Courthouse (MCCH) - Air Handler (AHU) 6 and 7 Replacement (Re-Bid) project for a period of 90 calendar days from equipment delivery. **SUMMARY:** The work consists of furnishing the labor, equipment and materials needed to remove and replace AHUs 6 and 7. The existing equipment has outlived its useful life. The new AHUs will be more efficient and provide years of dependable service. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 90 calendar days from equipment delivery to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$120 per day. This work order was solicited pursuant to the annual HVAC contract and the requirements of the Equal Business Opportunity Ordinance. The HVAC annual contract was presented to the Goal Setting Committee on August 21, 2019 and the Committee established Affirmative Procurement Initiatives (API) of sheltered market for projects less than \$100,000 or 10% Small Business Enterprises (SBE) price preference for projects \$100,000 or greater. Since this project is over \$100,000, the SBE price preference API was applied. Thermal Concepts, LLC is not a certified SBE and is non-local. There is no SBE subcontracting participation on this work order. Cumulative SBE participation on the annual HVAC contract is 29.16%. Funding for this project is from the Public Building Improvement Fund. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: Work Order No. 22-022 to the annual minor construction contract with Anzco, Inc. (Contractor) (R2020-0144) for Fire Station No. 55 - Roof Replacement and Weatherproofing project in the amount of \$297,000 for a period of 90 calendar days from permit issuance. **SUMMARY:** On February 11, 2020, the Board of County Commissioners (Board) approved the annual minor construction contract with the Contractor for improvements and renovations to County properties. Work Order No. 22-022 authorizes the replacement of the existing flat roofing system with a new modified bitumen roof, modifications to the mechanical curbs and stands on the roof, modifications to the mansards, and to weatherproof and paint the exterior of the building. The existing roof has outlived its useful life cycle and the mansard section of the roof is in a state of disrepair. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 90 calendar days from permit issuance to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof is \$80 per day. On August 21, 2019, the Goal Setting Committee applied the following Affirmative Procurement Initiatives (API) for this annual contract: 1) Sheltered Market for projects less than \$100,000; 2) 10% Small Business Enterprises (SBE) Price Preference for single-trade projects \$100,000 or greater; or 3) a minimum mandatory 25% SBE subcontracting goal for multi-trade projects. Since this is a multi-trade project over \$100,000, the applicable API is a mandatory subcontracting goal of 25%. The Contractor is an SBE and committed to 61.72% SBE participation on this work order. To date, the overall SBE participation on the annual minor construction contract is 79.07%. The Contractor is a local business. Funding for this project is from the Fire Rescue Improvement Fund. (Capital Improvements Division) District 4 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to approve: Work Order No. 22-012 to the annual Roofing contract with Garabar, Inc. (R2022-0184) in the amount of \$291,902 for the South Region Water Reclaim Facility – Building L Roof Replacement project for a period of 120 calendar days from material delivery. **SUMMARY:** The existing roof at the South Region Water Reclaim Facility – Building L is approximately 23 years old and is at the end of its service life. The new roofing system will provide for years of weather tight protection. This project was competitively advertised and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The contractor will have 120 calendar days from material delivery to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$180 per day. This work order was solicited pursuant to the annual Roofing contract and the requirements of the Equal Business Opportunity Ordinance. The roofing annual contract was presented to the Goal Setting Committee on July 15, 2020 and the Committee established Affirmative Procurement Initiatives (API) of Sheltered Market for projects less than \$100,000 or 10% Small Business Enterprises (SBE) price preference for projects \$100,000 or greater. Since this project was over \$100,000, the SBE price preference API was applied. Garabar, Inc. is not a certified SBE. The contractor will provide 5.86% SBE subcontracting participation on this work order. Cumulative SBE participation on the annual Roofing contract is 32.82%. Funding for this project is from the Water Utilities Department (WUD) Operation & Maintenance fund. (Capital Improvements Division) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to approve: Amendment No. 9 to the construction management continuing contract with Lebolo Construction Management, Inc. (Lebolo) in the amount of \$262,934 for the Lantana/Lake Worth Health Center – Customer Service Counter Project establishing a Guaranteed Maximum Price for Construction Management Services for a period of 133 days from notice to proceed. **SUMMARY:** On August 14, 2018, the Board of County Commissioners (Board) approved the continuing contract with Lebolo (R2018-1161) for construction management services for various federally funded capital projects. Amendment No. 9 authorizes construction management services to remodel the Lantana/Lake Worth Health Center customer service area, replace the first floor countertops, replace six transaction windows with tempered glass, and relocate the existing voice, data and electrical devices as required for the new countertops. The improvements are required in order to bring the customer service area into compliance with the Americans with Disabilities Act and in order to provide a better layout to more efficiently serve the needs of the Lantana/Lake Worth Health Center. Lebolo will have 133 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$120 per day. The work was competitively solicited by Lebolo utilizing the federal requirements provided by the Department of Housing and Economic Development. Under the federal requirements, this project has an established Equal Employment Opportunity (EEO) minority participation goal of 22.4%, of which 6.9% is female participation. The construction manager anticipates an EEO utilization of 21.73% minority participation and 6.56% female participation for this amendment. **The funding sources for this work are the Infrastructure Sales Tax Fund and the Public Building Improvement Fund.** (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** a contract for Engineering and Construction Services for Optimization and Improvements Design-Build (Contract) with Globaltech, Inc., (Design-Build Entity) with a start date of December 20, 2022 to allow Design-Build Entity to be compensated for emergency work at Water Treatment Plant (WTP) No. 3. **SUMMARY:** This Contract will improve the County's water, wastewater, and reclaimed water treatment and other County facilities by providing Design-Build services for optimization and improvements, expansion of capacity or providing redundancy, energy efficiency, continuing compliance with regulatory requirements, safety, security, sustainability, alternative water supply and replacement or repair of critical components for Palm Beach County Water Utilities Department (PBCWUD). The Design-Build services will be for projects less than \$4,000,000 of construction value. Work Orders will be negotiated and issued in accordance with the standard County procedures. This Contract has a term of three years. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On October 6, 2021, the Goal Setting Committee approved an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting goal and an evaluation preference for up to ten points for M/WBE and up to five points for mentoring based upon the relative level of dollar participation. The Design-Build Entity has met the established API. The Contract provides for 24% SBE participation which includes 12% MBE participation, 5.5% MBE (B), 2.5% MBE (H), and 4% MBE (A). Design-Build Entity is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-072 Contract and 23-017 WO No. 1) Countywide (MWJ)

2. **Staff recommends motion to approve:** a contract for the Valve Additions – Phase 1 (Project) with Johnson-Davis, Incorporated (Contractor) in the amount of \$8,875,000. **SUMMARY:** On October 5, 2022, the Palm Beach County Water Utilities Department (PBCWUD) received one bid for the Project. Contractor was determined to be the lowest responsive and responsible bidder in the amount of \$8,875,000. The Project provides for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary for the installation of 75 isolation valves within the PBCWUD water and wastewater service area. This Contract was procured under the requirements of the Equal Business Opportunity Ordinance. On June 3, 2022, the Goal Setting Committee applied an Affirmative Procurement Initiative (API) of a minimum mandatory 20% Small Business Enterprise (SBE) subcontracting participation of which 5% shall be among certified African American and/or Hispanic American owned firms. Contractor has met the established API. The contract provides for 30.69% SBE participation, which includes 9.56% MBE participation, 0.22% MBE (B), and 9.34% MBE (H). Contractor is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-016) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve: Work Authorization (WA) No. 25 to the 2019 Pipeline Continuing Construction Contract (Continuing Contract) with Johnson–Davis Incorporated (Contractor), for Utility Adjustments for the City of Belle Glade Road Resurfacing Project – Phase 3 (Project) in the amount of \$3,518,161.27. **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. 25 provides for the adjustment/replacement of the existing water mains and wastewater mains within the City of Belle Glade along:

- Intersection of SW Avenue I and SW 10th Street
- NE 2nd Street, from the intersection of NE Avenue B to the dead end cul-de-sac, north of NE Avenue J
- NE 3rd Street, from the intersection of NE Avenue H to the dead end cul-de-sac, north of NE Avenue J
- SE Avenue M, from the eastern Florida Department of Transportation (FDOT) Right-of-Way line of S Main Street to the eastern dead end
- SW Avenue F at the intersections of SW 3rd Street, SW 2nd Street, and SW 1st Street
- SW 3rd Street, from the intersection of SW Avenue F to the southern Right-of-Way line of Dr. Martin Luther King Jr. Boulevard
- SW Avenue C Place, from the intersection of SW 8th Street through the eastern limit of the intersection of SW 6th Street
- Whitaker Road, from E Canal Street South's southern edge of pavement to the dead end cul-de-sac south of Sara Road
- SW Avenue D, NE 24th St and NE Avenue I

The Project includes the installation of approximately 8,000 linear feet of 6-inch and 10-inch water mains and the installation of 300 linear feet of 6-inch and 10-inch force mains including the associated valves, fire hydrants, water services, and site restoration. The Continuing 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 Continuing Contract provides for 20.07% SBE participation. WA No. 25 includes 19.06% SBE participation. The cumulative SBE participation including WA No. 25 is 21.24%. Contractor is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 20-071) District 6 (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve:

A) a contract for Professional Consultant Services with Coastal Protection Engineering LLC (CPE) providing professional coastal and marine engineering services, effective for two years from execution through January 23, 2025; and

B) a contract for Professional Consultant Services with Olsen Associates, Inc. (OAI) providing professional coastal and marine engineering consultant services, effective for two years from execution through January 23, 2025.

SUMMARY: CPE, a Palm Beach County company, and OAI, a Jacksonville company, will provide professional coastal and marine engineering services on a consultant services authorization basis for various projects within the Department of Environmental Resources Management and other County departments. The contract requires consultants to adhere to 20% mandatory Small Business Enterprise (SBE) subcontracting goal as the Affirmative Procurement Initiative. CPE agreed to 75% SBE participation. OAI agreed to 48% SBE participation. The contracts contain an option to renew for one additional year. Countywide (YBH)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to:

A) approve State Mosquito Control Memorandum of Understanding (MOU) Contract No. 29353 with the Florida Department of Agriculture and Consumer Services (FDACS) for mosquito control activities performed during contract period upon execution to September 30, 2023; and

B) authorize the County Administrator or designee to sign all future time extensions, task assignments, certifications, and other forms associated with the MOU that do not substantially change the terms or conditions of the MOU.

SUMMARY: On February 8, 2022 (R2022-0127), the Board of County Commissioners (BCC) approved State Mosquito Control MOU Contract No. 28280 with FDACS for mosquito control activities performed during contract period upon execution to September 30, 2022. The agreement provides state aid in quarterly installments to support mosquito control activities including source reduction measures, public education, personnel training and certification, mosquito population surveillance, larvacides, adulticides, equipment and alerts as approved by FDACS. On July 12, 2022, the BCC approved the Detailed Work Plan Budget (R2022-0711) required by FDACS as part of the re-application process for state aid for FY2023. No grant assistance was awarded for FY2023. Although this loss of revenue will reduce the amount of chemical acquired for mosquito control operations, the Mosquito Control Division maintains a sufficient supply for normal operations and can continue to meet the necessary level of service for the County. The Mosquito Control Division is still responsible for the completion of monthly deliverables as stated in the MOU. This MOU is required by Florida Administrative Code (F.A.C) Rule 5E-13.022 for counties that are not eligible to receive state aid for control of arthropods, but want to remain in the state-approved program. The benefit to the County staying in the state-approved program is maintaining the status of Palm Beach County's Mosquito Control Division as "state-approved", providing legitimacy and guidance of the FDACS while servicing Palm Beach County residents. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to receive and file: Amendment Number 2 to Lease Agreement (Agreement), with the Florida Inland Navigation District (FIND), for the occupancy and use of the FIND premises as a construction staging site for storage of materials for the restoration of Tarpon Cove and Sawfish projects to extend the term of the lease from December 31, 2022 to July 31, 2024. **SUMMARY:** On October 20, 2020, the Board of County Commissioners (BCC) approved a Lease Agreement with FIND (R2020-1588) to use the Material Storage Area (MSA) 617-C available to the County for the handling and temporary storage of rock, shell and sand material needed by the projects, which includes Juno/Jupiter Beach and Tarpon Cove projects. Delegated authority to execute all future time extensions and any necessary minor amendments was authorized at that time. On October 5, 2021, Amendment No. 1 (R2021-1434) added Sawfish Island to the projects and extends the lease term through December 31, 2022. Amendment No. 2 extends the Lease through July 31, 2024. In accordance with the County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** District 1 (SF)

4. Staff recommends motion to receive and file: Amendment No. 2 to the Marine Industries Association of Palm Beach County, Inc. (MIAPBC) Memorandum of Agreement providing for a one-year extension to the Agreement period from December 30, 2022 to December 30, 2023. **SUMMARY:** On April 2, 2019, the Board of County Commissioners (BCC) approved a Memorandum of Agreement (R2019-0446) (Agreement) with MIAPBC for the development, engineering, design, and permitting of the Lake Worth Inlet Flood Shoal Dredging Project Phase I, effective April 2, 2019 and terminating on December 30, 2021. Delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with the Agreement was authorized at that time. The County and MIAPBC executed Amendment No. 1 (R2020-0206) allowing a one-year extension to provide additional time to obtain the United States Army Corps of Engineers Environmental Permits and complete the permit and design components of the grant. Amendment No. 2, executed on November 23, 2022, provides for an additional one-year extension to December 30, 2023, to allow for additional time for the construction contract to be executed and to seek grant funding reimbursement from Florida Inland Navigation District (FIND). In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. **There is no cost to the County.** Districts 1 & 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to ratify: the Coral Cove Emergency Dune Restoration Contract No. 2023ERM01 (Contract) with Eastman Aggregate Enterprises, LLC (Contractor) in the amount of \$2,256,930 to provide dune restoration services for the Coral Cove Dune Restoration Project (Project), for a term beginning December 19, 2022 and expiring 120 calendar days from the Notice to Proceed. **SUMMARY:** The Contract provides for emergency dune restoration within the Project area, which suffered extensive erosional damage in November 2022 due to waves generated by Hurricane Nicole. Restoration of the dune was most recently completed in January 2022, but the area was eroded to pre-restoration conditions by the Hurricane. Because of this, the need to protect County infrastructure at Coral Cove Park from potential future damage, and the fact that dune and beach construction is not authorized during marine turtle nesting season (March 1 through October 31), it became necessary to complete an immediate restoration of the Project on an emergency basis. The Federal Emergency Management Agency (FEMA) provides funding assistance where declared emergencies affect shore protection projects. In order to qualify for potential FEMA funding, the County inquired about dune construction rates from other local governments with existing competitively bid contracts including federal requirements; the Town of Jupiter Island (Town) has an existing contract for these services where the Contractor is the low bidder and willing to accept additional work at existing rates. The Contractor recently completed dune restoration work for the Town immediately adjacent to the Coral Cove location and was already mobilized at the Project's primary construction access location. Pursuant to Sections 2-53 (f) and 2-54 (f)(4) of the Palm Beach County Purchasing Code, and based on these emergency circumstances where approval by the Board of County Commissioners could not be obtained in a timely manner, the Environmental Resources Management Department Director executed the Contract on December 19, 2022. The Contract generated savings for the County in mobilization costs and allowed an immediate start to emergency restoration work. District 1 (YBH)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: Task Order #1 to Contract R2022-1295 with Surdex Corporation in the amount of \$229,500 for the acquisition of aerial imagery and orthophotography production of Palm Beach County. **SUMMARY:** On November 1, 2022, the Board of County Commissioners approved the contract with Surdex Corporation (R2022-1295) to provide professional services for Geospatial Services including planimetric mapping, digital orthophotography, GPS Survey, LiDAR Processing and other tasks in support of the County's Geographic Information System on a task order basis. Task Order #1 is for the aerial acquisition and orthophotography production during 2023. The total costs of the project will be paid over two years and split equally between the Property Appraiser and Palm Beach County. The SBE overall goal for this contract is 20%, which was awarded under the Office of Equal Business Opportunity ordinance. This first task order includes SBE Participation of 20%. Countywide (DB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file:

A) a Declaration of State of Local Emergency Palm Beach County (County), Florida dated November 7, 2022 for Subtropical Storm Nicole;

B) an Order to Reduce Vulnerability to Damage, Injury, and Loss of Life or Property Resulting from an Imminent Threat dated November 8, 2022 for Tropical Storm Nicole; and

C) a Reentry Order dated November 10, 2022 for Hurricane Nicole.

SUMMARY: On November 7, 2022, Florida Governor Ron DeSantis issued Executive Order 22-253 and declared that a state of emergency exists for 34 counties, including Palm Beach, due to Subtropical Storm Nicole. On November 8 2022, the National Hurricane Center (NHC) advised that Subtropical Storm Nicole had formed into Tropical Storm Nicole. November 9, 2022, President Joseph R. Biden, Jr. declared that an emergency exists in the State of Florida and ordered Federal assistance to supplement State, tribal and local response efforts due to the emergency conditions resulting from Tropical Storm Nicole. On November 9, 2022, Florida Governor Ron DeSantis issued Executive Order 22-255 (Amending Executive Order 22-253) expanding the state of emergency to 45 counties. On November 9, 2022 at 1800 hours, the NHC advised that Tropical Storm Nicole had become Hurricane Nicole. The County issued a State of Local Emergency on Monday, November 7, 2022; which remained through November 14, 2022. Hurricane Nicole had the capacity to pose a significant, imminent, and dangerous threat to residents, visitors and tourists in the County as well as their real and personal property. The declaration of the State of Local Emergency was necessary to initiate emergent actions taken by the County Administrator to ensure the health, safety and welfare of the community. With the executed State of Local Emergency, resources were available through the Federal Emergency Management Agency Public Assistance. On November 9, 2022, the County Administrator declared the following areas of Palm Beach County are threatened by Tropical Storm Nicole and designated the “affected area” as Evacuation Zones A and B. The order directed that the affected area be evacuated. On November 10, 2022, the County Administrator issued a Reentry Order that the evacuation order has been lifted. Countywide (DB)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN

1. **Staff recommends motion to approve:** the Federal Transit Administration (FTA) Master Agreement FTA MA (30) dated November 2, 2022. **SUMMARY:** The FTA has released its official Master Agreement (FTA MA (30), which contains the standard terms and conditions that apply to projects financed with funds awarded by the FTA in FY2023. Approval of the FTA MA (30) represents the County's legal affirmation to abide by the applicable terms and conditions identified in FTA MA (30). This agreement supersedes the previous FTA MA (29) dated February 7, 2022, approved by the BCC on March 22, 2022 (R2022-0248). **This document does not allocate any funding and there is no cost to the County.** Countywide (MM)

CC. OFFICE OF EQUAL OPPORTUNITY

1. **Staff recommends motion to adopt:** a resolution amending R2018-0188, providing for amended effective date-sunset provision of the Advisory Commission on Women, providing for amended in-person quorum standards, and providing for amended membership, appointments, terms. **SUMMARY:** At its June 21, 2022 Workshop meeting, the Board of County Commissioners directed staff to extend service of the Advisory Commission on Women (ACW) as it is due to sunset on February 6, 2023. The proposed resolution amends R2018-0188 to extend service of the ACW for five years from the effective date unless the Board extends its service through official action. The proposed resolution also modifies the quorum requirements to be consistent with Palm Beach County Ordinance No. 2021-009 regarding in-person quorum standards. Additionally, all member appointments were made for a term of three years and if the BCC appoints a youth member, the term is one year. The three-year term is consistent with the provisions of Board Resolution No. R2013-0193, which established uniform policies and procedures for County advisory boards. The proposed amendments have been approved by the ACW. Countywide (JW)

3. CONSENT AGENDA APPROVAL

DD. OFFICE OF RESILIENCE

1. Staff recommends motion to approve: Natalie Frendberg as the Southeast Florida Regional Climate Change Compact (Compact) Compact Leadership Committee (CLC) Palm Beach County (PBC) representative. **SUMMARY:** In 2008, PBC, along with Broward, Miami-Dade, and Monroe Counties, formed the Compact to coordinate on climate and sustainability initiatives. In the most recent Interlocal Agreement that governs the Compact, effective January 1, 2021, the Compact created a CLC to provide formal, unified advice and recommendations on climate change and resilience issues to the parties' governing bodies. The CLC is comprised of one staff representative from each of the four Compact counties. Office of Resilience (OOR) Analyst Dr. Jake Leech has been serving as the PBC CLC appointee since 2021. As Dr. Leech has recently resigned from OOR, this role must be reassigned. Staff now recommends that OOR Resilience and Sustainability Analyst Natalie Frendberg replace Dr. Jake Leech in this role. Ms. Frendberg is experienced and knowledgeable in the area of resilience and climate change, with education in earth and environmental science, anthropology, and environmental education. Her work in OOR includes project management of the County vulnerability and resilience action plan, overseeing the Property Assessed Clean Energy Program, co-leading the Environmental Protection Cross-Departmental Team, and representing the County on the steering committees of the Florida Sustainability Director's Network, the Southeast Sustainability Director's Network, and the Coastal Resilience Partnership of Southeast Palm Beach County. Ms. Frendberg has acted as alternate for Dr. Leech, with alternates requiring the same qualifications as each party's representative. Countywide (RM)

3. CONSENT AGENDA APPROVAL

DD. OFFICE OF RESILIENCE (Cont'd)

2. Staff recommends motion to:

A) approve the Florida Department of Environmental Protection (DEP) Resilient Florida Grant Program Standard Grant Agreement No. 22PLN73 (Agreement), awarded to the Palm Beach County Office of Resilience for an amount not to exceed \$500,000 providing for the creation of a Flooding and Sea Level Rise Vulnerability Assessment (Project) beginning as of the date of grant agreement execution and ending September 30, 2024;

B) approve a budget amendment of \$500,000 in the General Fund to recognize the revenue award from DEP; and

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

SUMMARY: The Agreement reimburses the County up to \$500,000 to identify and address the risks of flooding and sea level rise on critical and regionally significant assets owned or maintained by Palm Beach County. The Project builds upon and compliments the County's effort to conduct a Climate Change Vulnerability Assessment for unincorporated Palm Beach County and Western Palm Beach County, and a Resilience Action Plan for the entire County. This project will ensure that the Vulnerability Assessment meets all of the requirements of Section 380.093, Florida Statutes. Staff anticipates hiring a consultant to assist with the Project. The County is not required to provide a match for the Project. **There is no cost to the County.**
Countywide (RM)

3. CONSENT AGENDA APPROVAL

EE. OFFICE OF COMMUNITY REVITALIZATION

1. Staff recommends motion to:

A) approve a contract with Spirit of Giving Network, Inc. in an amount not-to-exceed \$115,000 for professional services to assist with planning, purchase of school supplies and other items for the implementation of the 2023 Back to School PBC! event (Event) for the period beginning January 25, 2023 through September 30, 2023;

B) authorize advance payments to Spirit of Giving Network, Inc. of up to \$57,500 towards the purchase of school supplies and other items; and

C) approve a budget transfer of \$20,000 within the OCR Special Projects and Initiatives Fund to fund other costs associated with the event.

SUMMARY: This contract provides a not-to-exceed amount of \$115,000 to Spirit of Giving Network, Inc. (Agency) to assist in the implementation of the Event. The Event provides backpacks, school supplies, food, a health fair and access to community resources for Palm Beach County students in need from Pre-K through 12th grade from low or no income families enrolled in the public or charter school system. The Event has been tentatively scheduled for Saturday, July 22, 2023, prior to the start of the 2023/2024 school year. In accordance with the contract, up to \$57,500 of the \$115,000 from the County may be provided as an advance payment to the Agency to use as upfront capital toward the purchase of the school supplies and other items required for the event. The requested budget transfer of \$20,000 is needed to cover increased costs associated with the use of the convention center, the main and largest event site, pay for the provision of food to participating students and volunteers, and purchase other items needed for the implementation of the event at all sites. Countywide (RS)

* * * * *

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

A. PALM TRAN

1. Staff recommends motion to:

A) adopt a resolution of the Board of County Commissioners (BCC), of Palm Beach County, Florida, authorizing the signing and submission of the FY2024 Section 5310 grant application in the amount of \$1,485,000, with a required local match of \$165,000 for a total project cost of \$1,650,000, and the submission of supporting documents, and assurances to the Florida Department of Transportation (FDOT);

B) authorize the County Administrator or designee to sign and accept the resulting grant award letter with terms consistent with the grant application and resolution authorizing the grant application’s signing and submission;

C) approve the purchase of paratransit vehicles from the FDOT TRIPS Contract, pursuant to the terms and conditions of the application and resulting Notice of Grant Award allotted funds; and

D) authorize the County Administrator or designee to submit the Order Form for the FDOT TRIPS Contract to request purchase of the vehicles and expenditure of grant funds and local match pursuant to the resulting Notice of Grant Award.

SUMMARY: Palm Tran is submitting an application for the acquisition of replacement paratransit vehicles at a total cost of \$1,650,000. The vehicles being replaced were purchased in 2018 with Public Improvement Revenue Bond funds and have reached the end of their useful life. The grant requires a local match of \$165,000 (10%). The required match is included in Palm Tran’s FY2023 budget. The application amount will cover the estimated cost to replace 11 vehicles; the actual award amount will be determined by funds available under Section 5310 after all applications have been reviewed by FDOT. The grant requires broader indemnification by the County than that approved by PPM CW-F-049. The grant requires the County and its officers, agents, or employees to indemnify, defend, and hold harmless FDOT and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of the County’s non-compliance or performance of this agreement. The indemnification obligation must also be passed on to contractors and/or consultants. Given that liability is limited to County’s non-compliance or performance of this agreement and the statutory caps of Section 768.28, Florida Statutes, Palm Tran recommends Board approval. Countywide (MM)

4. PUBLIC HEARINGS – 9:30 A.M.

B. WATER UTILITIES

1. Staff recommends motion to postpone: the public hearing to a later date in order to re-petition the properties by certified mail, subject to a simple majority of property owners being in favor of the assessment as of the petition deadline. **SUMMARY:** This was advertised as a public hearing, however staff decided to re-petition the properties by certified mail in accordance with direction given by the Board of County Commissioners on July 13, 2022. Therefore, staff recommends that the item be postponed and the item be brought back subject to a simple majority of property owners being in favor of the assessment. The Project will provide potable water service to 12 residential properties currently on private wells. Petitions in favor of the installation of a potable water main were provided to PBCWUD with a 58% favorability rate (7 in favor, 3 not in favor, and 2 no response). Individual assessments of \$26,940.72 per parcel (See Exhibit A to this agenda item) will be assessed based on 90% of the total estimated cost of the project. Each individual assessment was determined by using the parcel method to divide the assessable cost per parcel. The assessment is payable over a 20-year time period in equal annual payments of principal and 5.5% interest. The total assessable cost of the Project is \$323,288.64 and includes the costs of surveying, design, drafting, permitting, construction, inspection, administration and construction contingency. WA No. 27 will provide for the construction of the project. 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. This contract provides for 20.07% SBE participation. WA No. 27 includes 28.67% SBE participation. The cumulative SBE participation including WA No. 27 is 22.43%. Contractor is a Palm Beach County based company. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 21-081) District 6 (MWJ)

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5. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to approve:

A) Amendment No. 6 to the General Consulting Agreement with RS&H, Inc. for Consulting/Professional Services in the amount of \$1,175,706.57 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

B) a budget transfer in the amount of \$819,790 in the Airport's Improvement and Development Fund to provide budget for the project; including a transfer from Reserves in the amount of \$819,790. This project is partially funded under the current year's budget.

SUMMARY: The Consulting Agreement with RS&H, Inc. for general airport planning and design was approved by the Board on May 7, 2019 (R2019-0612) in the amount of \$2,004,570.58 in order to carry out the approved Capital Improvement Programs for the County's Airports. Amendment No. 1 was approved by the Board on May 5, 2020 (R2020-0414) increasing the amount of the contract by \$2,304,608.30. Amendment No. 2 was approved by the Board on October 20, 2020 (R2020-1607) increasing the amount of the contract by \$3,196,990.03. Amendment No. 3 was approved by the Board on May 4, 2021 (R2021-0576) exercising the first one year renewal option for the continuation of services provided under this agreement. Amendment No. 4 was approved by the Board on June 15, 2021 (R2021-0844) increasing the amount of the contract by \$2,644,110.87. Amendment No. 5 was approved by the Board on March 22, 2022 (R2022-0263) increasing the amount of the contract by \$1,325,943.87 and exercising the second and final one year renewal. Amendment No. 6 will provide an additional \$1,175,706.57 to complete the following tasks: Task I Services – PBI Switchgear Replacement Phase 2; PBI Concourse B Expansion – Dual Package Development; and Task III Services – Miscellaneous AEP (Architectural, Electrical, and Plumbing) and Construction Consulting 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. RS&H, Inc. is a Jacksonville, Florida based firm; however, the majority of the work to be completed in this agreement will be managed through their Fort Lauderdale, Florida offices in conjunction with several Palm Beach County-based and South Florida-based sub-consultants and firms. A Disadvantaged Business Enterprise (DBE) goal of 18% was set for this contract. RS&H, Inc. committed to 23% DBE participation for this agreement. The anticipated DBE participation based upon the approved tasks is 30.87%. The current paid to date DBE participation is 31.42%. The DBE participation for this Amendment is 46.63%. 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

A. AIRPORTS (Cont'd)

2. Staff recommends motion to:

A) approve a Resolution of the Board of County Commissioners of Palm Beach County, Florida; amending the Airport Rules and Regulations (R98-220, as amended) as codified in Appendix B of the Palm Beach County Code (Airport Regulations); providing for the repeal of the jet restriction at the Palm Beach County Park Airport; providing for promulgation; providing for severability; providing for codification; and providing for an effective date; and

B) direct the Clerk of the Board to deliver a copy of the Resolution to the Municipal Code Corporation for codification upon receipt of an affidavit from the Department of Airports that the promulgation requirements of Section 332.08(2), Florida Statutes have been satisfied.

SUMMARY: This resolution repeals Section 12-6(a) of the Airport Regulations (R98-220, as amended) (Jet Restriction), which prohibits pure turbo-jet aircraft and aircraft in excess of 12,500 pounds engaging in air cargo operations from operating at the Palm Beach County Park Airport (Lantana Airport), as required by the Federal Aviation Administration (FAA), Final Agency Decision (FAD) in *Forman v. Palm Beach County*, FAA Docket No. 16-17-13. Section 332.08(2), Florida Statutes, provides that, if a county operates one or more airports, its regulations shall be by resolution of the Board of County Commissioners, recorded in the minutes of the Board, and promulgated by posting a copy at the courthouse and at every airport for four consecutive weeks or publication once a week in a newspaper published in the county for the same period. Upon approval of this resolution, the Department of Airports will satisfy the promulgation requirements set forth in Section 332.08(2), Florida Statutes and deliver an affidavit to the Clerk for transmittal to the Municipal Code Corporation for codification in the Palm Beach County Code. Countywide (AH)

5. REGULAR AGENDA

B. ADMINISTRATION

1. Staff requests direction:

A) on the inclusion of a 401(a) plan as part of the County’s investment options for mandatory employee participation that directs designated unused sick and/or vacation leave into the Special Pay Plan (SPP); and

B) issuance of an RFP for either one or multiple 401(a) providers.

SUMMARY: Staff provided an update to the Palm Beach County Board of County Commissioners (BCC) on October 18, 2022, At that time based on a previous directive, staff researched the parameters of setting up a 401(a) plan with the specific intent of requiring employees who have accumulated sick and/or vacation leave, to have those funds deposited into this specific fund upon completion of their service with the County. County staff remained uncertain of the ability to use the 401(a) as a direct deposit of these unused sick and vacation hours and requested outside Counsel to opine on the matter. The BCC granted that request, and that response was received on December 2nd, and confirmed that the 401(a) could be used in this manner. 401(a) plans are investment tools that are also known as SPPs that can be customized depending on who participates and what types of contributions are allowable, but ultimately require anyone designated as participants to participate in the SPP. These plans are additional retirement plans that are funded by an employee’s “Special Pay”, which is compensation other than regular salary or wages accumulated by an employee. Those funds can be converted to a lump sum at termination of employment or can be swept into the fund at specified increments at the end of a pay period or a fiscal year. Special Pay for these plans may include any accumulated, unused sick, vacation or other leave payment that is eligible for contribution into the plan. Through these plans, the employer must contribute any accumulated Special Pay designated under the rules of the plan directly into the Plan. While the mandatory participation of the plan can be an argument against its’ implementation, the employer and employee tax savings of 7.65% of Social Security and Medicare tax that come with the plan setup is seen as one of its advantages. Currently, Palm Beach County has a 401(a) plan administered by Nationwide. That plan was specifically created for one employee over 25 years ago who was not eligible to participate in the Florida Retirement System. The remaining direction requested of the Board are the specifics on how to set up the plan and whom it will apply to, in addition to, how employees entering DROP will be able to utilize their excess hours to contribute toward their Average Final Compensation. Direction from the Board is also requested regarding when we issue an RFP, will it be for one or more specific 401(a) providers. Countywide (MM)

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE ENVIRONMENTAL CONTROL BOARD

A. HEALTH DEPARTMENT

- 1. Staff recommends motion to approve: the reappointment of three members to the Environmental Control Hearing Board. The two positions are Citizens-at-large for a term of three years from 1-24-23 to 1-23-26.

<u>NOMINEE:</u>	<u>SEAT #:</u>	<u>REQUIREMENT:</u>	<u>NOMINATED BY</u>
Gary S. Betensky	1	Attorney	PBC Bar Association
Vivian Demille	3	Citizen	Mayor Weiss Comm. Marino
Douglas MacLaughlin	4	Citizen	Mayor Weiss Comm. Marino

SUMMARY: The Board is composed of five members. Membership must consist of one lawyer recommended by the Palm Beach County Bar Association, one medical doctor recommended by the Palm Beach County Medical Society, one engineer recommended by the Palm Beach County Chapter of the Florida Engineering Society, and two citizens-at-large not holding elective office. The Board currently consists of five members. The current diversity count is: Caucasian: 4 (75%); and Hispanic: 1 (25%). The current gender ratio (female: male) is 1:4. The applicant for reappointment to Seat #1, Gary S. Betensky is an attorney recommended by the Palm Beach County Bar Association. The applicant for reappointment to Seat # 3, Vivian Demille is a citizen of Palm Beach County and the applicant for reappointment to Seat #4, Douglas MacLaughlin is also a citizen of Palm Beach County. With this approval, the Board will consist of five members: four Caucasian males and one Hispanic female. The gender ratio (female: male) is 1:4. Countywide (HH)

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECOVENE AS THE BOARD OF COUNTY COMMISSIONERS

7. BOARD APPOINTMENTS

A. OFFICE OF EQUAL OPPORTUNITY

1. Staff recommends motion to approve: a Youth Representative (15-18 years of age) appointment of Giada Robinson, Sophia Nemes or Shakari Bell to serve as the ex-officio youth member to the Advisory Commission on Women for a term beginning on January 24, 2023 through September 30, 2023.

<u>Appoint</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Giada Robinson	16	PBC Resident 15-18 years of age		01/24/23-9/30/23
OR				
Sophia Nemes	16	PBC Resident 15-18 years of age		01/24/23-9/30/23
OR				
Shakari Bell	16	PBC Resident 15-18 years of age		01/24/23-9/30/23

SUMMARY: Per Resolution R2018-0188, the Board of County Commissioners (BCC) established the Commission on Women Advisory Board (ACW). The ACW is comprised of 15 members, 2 appointed by each County Commissioner and 1 at-large appointed by majority vote of the BCC. The Board may also appoint a youth representative (15-18 years of age) to serve as an ex-officio member. The ACW serves as an advisory body to focus on matters pertaining specifically to women. Fourteen seats and one at-large seat are currently filled. The current diversity count is Caucasian: 7 (47%), African-American: 4 (27%), Hispanic: 3 (20%) and Unknown: 1 (6%). The gender ratio (female:male) is 15:0. These nominees are a Caucasian, unknown and African American females. The ACW reviewed the applications and recommends the appointment of Sophia Nemes. Countywide (JW)

B. COMMISSION DISTRICT APPOINTMENTS

JANUARY 24, 2023

8. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

JANUARY 24, 2023

9. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER MICHAEL A. BARNETT

District 4 – COMMISSIONER MARCI WOODWARD

District 5 - COMMISSIONER MARIA SACHS

Request for off-site Proclamation declaring March 10, 2023 as the official Faulk Center for Counseling 50th Anniversary Day in Palm Beach County

District 6 - COMMISSIONER SARA BAXTER

District 7 – COMMISSIONER MACK BERNARD

JANUARY 24, 2023

10. ADJOURNMENT

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