

LOG-1

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

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Meeting Date:	September 13, 2011	Consent []	Regular [X]
		Public Hearing []	
Submitted By:	Water Utilities Department		
Submitted For:	Water Utilities Department		

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a one (1) year extension to all Water Utilities Department Development Agreements and Renewal Agreements that are scheduled to expire on or after September 30, 2011, and before September 30, 2012.

Summary: Developers who meet certain criteria as outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP) are required to enter into Development Agreements (Agreement) to reserve potable water, wastewater, and/or reclaimed water capacity (Capacity) for their projects. The terms of the Agreement require the submittal of a Mandatory Agreement Payment (MAP) to reserve Capacity for a period of five (5) years. Any unused Capacity remaining in the Agreement after five (5) years can be renewed for one (1) additional five (5) year term upon payment of another MAP and execution of a Renewal Agreement. No further renewals are available after ten (10) years as prescribed by UPAP.

On January 13, 2009 (Agenda Item 3K-1), WUD recommended and the Board approved an additional one (1) year extension of Development Agreements and Renewal Agreements due to the continued economic downturn that has reduced development activity. The one (1) year extension was approved for Development Agreements set to expire between the period of September 1, 2008, and September 30, 2013.

Additionally, Section 14(1), Chapter 2009-06, Laws of Florida, provided for a two (2) year extension for development orders and building permits expiring between September 1, 2008 and January 1, 2012. Although the County Attorney's Office determined that these laws do not apply to the WUD Agreements, the Department recommended it due to its minimal impact on operations.

As the forecast for the economy remains grim and development activity remains sluggish, staff is recommending that the Board approve an additional one (1) year extension of Agreements. The extension will not apply to any Agreements entered into on or after October 1, 2011. Districts 1,2,3,5,6 (MJ)

Background and Policy Issues: The Department Director has been delegated the authority to enter into Standard Development Agreements on behalf of the County. However, Board authorization is being sought in this case due to the desire to extend expiration dates of applicable Standard and non-Standard Development Agreements in recognition of the current economic downturn.

Attachments:

None

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Recommended By:	<u>Burt Banks</u>	<u>8/15/2011</u>
	Department Director	Date

Approved By:	<u>Sharon G. Johnson</u>	<u>8/25/11</u>
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Expenses	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>0</u> <i>* see below</i>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund Dept Unit Object

Is Item Included in Current Budget? Yes No

Reporting Category N/A

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

C. Department Fiscal Review: *Delma M West*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

** Fiscal Impact cannot be determined*

 M. Braz 8/19/2011
 OFMB *fish 8/23/11*

 Dr. J. Jaworski 8/22/11
 Contract Development and Control
8-22-11 A. Wheeler

B. Legal sufficiency:

 [Signature] 8/23/11
 Assistant County Attorney

C. Other Department Review:

 Department Director