PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	July 2, 2024	[X] Consent [] Ordinance	[] Regular [] Public Hearing	

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a First Amendment to Agricultural Land Management Interlocal Agreement (First Amendment) with Palm Beach Soil and Water Conservation District (PBSWCD), a public corporation of the State of Florida, for the management of County-owned property within the Agricultural Reserve, to retroactively extend the term of the Agreement from July 1, 2024 through June 30, 2027 and increase the annual management fee by 9% to \$67,470.

Summary: Since July 2000, PBSWCD has managed the County's agricultural lands under several Agricultural Land Management Interlocal Agreements. On May 18, 2021, the Board of County Commissioners approved the current Agricultural Land Management Interlocal Agreement (R2021-0701) (Agreement) with an initial term of three (3) years expiring on June 30, 2024, plus one (1) three (3) year renewal option at an annual management fee of \$61,899.The Agreement also provides for an increase of the annual management fee by five percent (5%) upon exercise of the renewal option which would equate to an annual management fee of \$64,994. PBSWCD desires to exercise their option to extend and has requested the annual management fee be increased to nine percent (9%), due to increases in its annual expenses, specifically insurance costs. This First Amendment retroactively extends the term for a period of three (3) years commencing July 1, 2024, and expiring on June 30, 2027, and increases the annual management fee by nine percent (9%) which equates to \$67,470 per year for the extension term. All other terms of the Agreement remain unchanged. Staff is requesting a retroactive approval as a properly executed First Amendment was not timely received. Property & Real Estate Management Division (PREM) will continue to have management responsibility for the Agreement with the assistance of Cooperative Extension Services. (Property & Real Estate Management) District 5 (HJF)

Background and Justification:

The County purchased lands within the Agricultural Reserve using the funds designated for that and other purposes as stated in the March 1999 Conservation Lands Bond Referendum. A portion of the lands purchased has been leased for agricultural production. It has been necessary for the lands to be managed to ensure that the goals of the purchase and lease program are met. This First Amendment provides the means to continually achieve a satisfactory management program for the County and the lessees. PBSWCD has the expertise and experience needed to manage the agricultural lands and for the past twenty four (24) years has been satisfactorily managing these lands for the County.

Continued on Page 3

Attachments:

- 1. First Amendment to Agricultural Land Management Interlocal Agreement
- 2. PBSWCD Request to Exercise Option
- 3. Budget Availability Statement

Recommended By	Demru 1. hyper Call	5/21/24
	Department Director	Date
Approved By:	UBaker -	6/12/24
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County	<u>\$16,868</u> 	<u>\$67,470</u>	<u>\$67,470</u>	<u>\$50,603</u>	\$-0-
NET FISCAL IMPACT	<u>\$16,868</u>	<u>\$67,470</u>	<u>\$67,470</u>	<u>\$50,603</u>	<u>\$-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Budget: Yes <u>X</u> No					
Does this item include the use of federal funds? Yes <u>No X</u>					
Does this item include the use of state funds? Yes <u>No X</u>					
Budget Account No: Fund F	<u>1222</u> Dep Program	t <u>760</u> T	Unit <u>4260</u>	Object <u>3</u>	401

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

Effective July 1, 2024, the annual management fee is to increase to \$67,469.91 (\$5,622.49 monthly). The Net Fiscal Impact is as follows: **FY2024** - 3 months @ \$5,622.49 = \$16,867.47; **FY2025** - \$67,469.91; **FY2026** - \$67,469.91; and **FY2027** - 9 months @ \$5,622.49 = \$50,602.41.

Fixed Assets Number **C**. **Departmental Fiscal Review**

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

OFMB

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Legal Sufficiency: Assistant County Attorney

C. Other Department Review:

B.

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Department Director

This summary is not to be used as a basis for payment.

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Background and Justification (continued): Staff is recommending that this First Amendment be approved. The relationship PBSWCD has with the agricultural community and their understanding of agricultural practices have given them the ability to meet the needs of the County and assist in enhancing the agricultural industry's ability to stay productive in the Agricultural Reserve. This has relieved the County of the need to hire permanent staff to manage the agricultural lands.

In 2018, PBSWCD included at no additional cost, the development and management of Florida Department of Agriculture and Consumer Services Best Management Practices (BMPs) for the McMurrain parcel with Pero Family Farms, Inc. PREM has handled the leasing of land, collected the lease fees, interfaced with the PBSWCD, received reports from them on the lease management, and received and processed invoices from PBSWCD for management services pursuant to the Agreement. The Cooperative Extension Service Department has assisted in the process by providing input as needed or requested by PREM and PBSWCD on issues related to the management of the agricultural lands for specific crops. It is necessary for PBSWCD to charge a fee to cover the cost of their management oversight. Cooperative Extension Department and PREM have reviewed the documentation submitted to justify the nine percent (9%) increase in fee and support the increase based on said documentation.

ATTACHMENT #1 First Amendment To Agricultural Land Management Interlocal Agreement (2 @ 4 pages)

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FIRST AMENDMENT TO AGRICULTURAL LAND MANAGEMENT INTERLOCAL AGREEMENT

THIS FIRST AMENDMENT TO AGRICULTURAL LAND MANAGEMENT INTERLOCAL AGREEMENT ("First (R2021-0701) Amendment"), made and entered into by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, ("County") and PALM BEACH SOIL & WATER CONSERVATION DISTRICT, a special district created by the Legislature of the State of Florida, ("PBSWCD") (collectively, the "Parties").

WITNESSETH:

WHEREAS, County and PBSWCD entered into that certain Agricultural Land Management Interlocal Agreement (R2021-0701) dated May 18, 2021 ("Agreement"), for the management of County's property within the Agricultural Reserve as set forth in the Agreement, with a commencement date of July 1, 2021, for a period of three (3) years (the "Term"); and

WHEREAS, the Term of the Agreement expires on June 30, 2024; and

WHEREAS, PBSWCD has provided County with timely written notice that PBSWCD wishes to exercise its three (3) year renewal option; and

WHEREAS, County and PBSWCD wish to revise the renewal annual contract amount and to extend the Term of the Agreement as set forth in this First Amendment; and

WHEREAS, County is satisfied with the performance of PBSWCD; and

WHEREAS, County acknowledges timely notification of the request to extend and consents to the extension of the Term for a period of three (3) years.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this First Amendment shall have the same meaning and effect as in the Agreement.

2. Section 2.2 of the Agreement is hereby deleted in its entirety and replaced with the following:

On the third (3rd) anniversary of the Commencement Date of this Agreement,

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the annual contract amount shall be adjusted by multiplying the then current annual contract amount by one hundred and nine percent (109%).

3. The Term of the Agreement is hereby extended for a period of three (3) years commencing on July 1, 2024, and expiring on June 30, 2027, unless sooner terminated pursuant to the provisions of the Agreement.

4. This First Amendment shall become effective when signed by all Parties and approved by the Palm Beach County Board of County Commissioners (the "First Amendment Effective Date").

5. Except as modified by this First Amendment, the Agreement remains unmodified and in full force and effect and the parties hereby ratify, confirm and adopt the Agreement, as amended, in accordance with the terms thereof.

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IN WITNESS WHEREOF, the Parties have executed this First Amendment, or have caused the same to be executed by their duly authorized representatives, as of the day and year first above written.

WITNESS:

Witness Signature

LAUA BLOOM Witness Printed Name

Witness Signature

DAUD DEMAIO Witness Printed Name

PALM BEACH SOIL & WATER CONSERVATION DISTRICT

By:

Eva Webb, Secretary/Treasurer

[SIGNATURES CONTINUE ON THE NEXT PAGE]

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ATTEST:

PALM BEACH COUNTY,

a political subdivision of the State of Florida

JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT & COMPTROLLER

By:

Deputy Clerk

By:

Maria Sachs, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By stant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

C. ayal Collo Βv Department Director

\\pbcgov.org\FDO\Common\PREM\PM\AG Reserve, Corres & Memos & Manage. Fee Monthly Billing\2024 Option\Amend No 1 drafts\Amend No 1 to Ag Interlocal Agreement PAB app 4.4.24.docx

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ATTACHMENT #2 PBS&WCD Request to Exercise Option (1 page)



PALM BEACH SOIL & WATER CONSERVATION DISTRICT

420 S. State Road 7 • Suite 162 Royal Palm Beach, Florida 33414 561-792-2727 • www.pbswcd.org

January 29, 2024

Dr. Ron Rice Director, Palm Beach County Extension 559 N. Military Trail West Palm Beach, FL 33415

RE: Renewal of Interlocal Agreement # R2021-0701

Dear Dr. Rice:

I am pleased to convey the request on behalf of the Palm Beach Soil & Water Conservation District Board and staff to renew the Interlocal Agreement between Palm Beach County Board of County Commissioners and Palm Beach Soil & Water Conservation District. The agreement serves the purpose of monitoring the implementation of Best Management Practices on the county properties that are leased for agricultural production in the Ag Reserve.

During the January board meeting, it was decided to renew the contract for the next three years at an annual rate of \$67,469.91. This includes a one-time 9% increase in the current rate to help cover some of the rising expenses, such as insurance and salaries.

We look forward to our continued work with PBC Commissioners and the Cooperative Extension Service. Please feel free to contact our office, should you have any questions or concerns or need additional information.

Sincerely,

 E_{va}^{l} Webb, Secretary/Treasurer

Member of National Association of Conservation Districts



Member of Association of Florida Conservation Districts

ATTACHMENT #3 Budget Availability Statement (1 page)

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BUDGET AVAILABILITY STATEMENT

REQUEST DATE: May 21, 2024	REQUESTED BY: Della M. Lowery	PHONE FAX:	: 233-0239 233-0210
PROJECT TITLE: 1st Amend to Ag	Land Management Interlocal Agmt.	PROJEC	CT NO.:
ORIGINAL CONTRACT AMOUNT:	\$16,867.47	BCC RE	ESOLUTION#:
REQUESTED AMOUNT: \$16,867.47	7	DATE:	

CSA or CHANGE ORDER NUMBER: N/A

CONSULTANT/CONTRACTOR: Palm Beach Soil and Water Conservation District

PROVIDE A BRIEF STATEMENT OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT/CONTRACTOR: FY2024 Management fees to oversee the County's Agricultural Reserve Land.

CONSTRUCTIONVENDOR SERVICES\$16,867.47STAFF COSTS**EQUIP. / SUPPLIESCONTINGENCYTOTAL\$16,867.47

****** By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.

BUDGET ACCOUNT NUMBER:

FUND: <u>1222</u> DEPT: <u>760</u> U	JNIT: <u>4260</u> (OBJ: <u>3401</u>	SUB OBJ:	
IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check <u>all</u> that apply)				
Ad Valorem (source/type:/	6,867.47	1)	
□ Non-Ad Valorem (source/type:				
Grant (source/type:)				
Park Improvement Fund (source/type:)				
General Fund	□ Operating Budg	get 🛛 I	Federal/Davis Bacon	
□	□			
Department: General Government	nent			

	General Government	
BAS APPROVED BY:	Angh	DATE 5/20/2024
ENCUMBRANCE NUM	MBER:	

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