Agenda Item #: **3H-5**

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

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

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: First Amendment to the Amended and Restated Interlocal Agreement (R2019-1627) (Agreement) with the Town of Loxahatchee Groves (Town), to extend the term of the Agreement for interoperable communications through the countywide common talk groups of the County's Public Safety Radio System (County's System) from July 20, 2024 through July 19, 2029.

Summary: The Agreement (R2019-1627), which provides the terms and conditions under which the Town can program its radios and utilize the countywide common talk groups of the County's System, expires on July 19, 2024. The Agreement provided for two (2) renewal options, each for a period of five (5) years. The Town has approved this Amendment to extend the term of the Agreement to July 19, 2029, and the renewal now requires approval by the Board of County Commissioners (Board). The terms of the Agreement are standard and have been offered to all municipalities, 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 Town is required to pay all costs associated with the Town's subscriber units and to comply with the established operating procedures for the County's System. The Agreement may be terminated by either party, with or without cause, upon ten (10) days prior written notice to the other party. The First Amendment extends the term of the Agreement, updates the standard operational provisions, and adds the E-verify provision. Other than the changes set forth herein, all other terms remain the same. **(ESS)** <u>Countywide</u> (MWJ)

Background and Justification: Since 2009, the Town has utilized interoperable communications through the countywide common talk groups. The Agreement with the Town, which provides the terms and conditions under which the Town can utilize the countywide common talk groups of the County's System, expires on July 19, 2024. The Agreement provides for two (2) renewal options, each for a period of five (5) years. Following the approval of the First Amendment, one renewal option remains available under the Agreement.

Attachments:

First Amendment

Recommended By:	MR Comme c. ayal Cellos	5/22/24
	Department Director	Date
Approved By:	1 Marter	6/15/24
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	202	6	2027		2028
Capital Expenditures							
Operating Costs				_			
External Revenues				_			
Program Income							
(County)							
In-Kind Match (County _				-		_	
NET FISCAL IMPACT	k						
# ADDITIONAL FTE				_		_	
POSITIONS (Cumulative)							
Is Item Included in Current	Budget:	Yes		No	<u>X</u>		
Is this item using Federal F	unds:	Yes		No	<u>X</u>		
Is this item using State Fund	ds:	Yes		No	<u>X</u>		
Budget Account No: Fund	D	ept	Unit _		Object		

B. Recommended Sources of Funds/Summary of Fiscal Impact: * There is no fiscal impact associated with this item

Departmental Fiscal Review: **C**.

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

; /2U Contract Deve velopment and Contro

B. Legal Sufficiency: 6/11/24 Assistant County Attorney

C. Other Department Review:

Department Director

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

FIRST AMENDMENT TO AMENDED AND RESTATED AGREEMENT

THIS FIRST AMENDMENT to the Amended and Restated Agreement R2019-1627 dated October 22, 2019, is made as of ______, by and between Palm Beach County, a political subdivision of the State of Florida, ("County") and the Town of Loxahatchee Groves, a municipal corporation of the State of Florida ("Municipality").

In consideration of the mutual promises contained herein, the County and Municipality agree as follows:

- 1. The term of the Agreement, is renewed beginning on July 20, 2024 and continuing through July 19, 2029, pursuant to the exercise of the first renewal option for five (5) years.
- 2. Section 2.03 of the Agreement is deleted in its entirety and replaced with the following:

2.03 <u>Municipality Equipment:</u> Also known as "municipality radios," are Municipality owned P25 compliant handheld and mobile radios and control stations that operate in the 800 MHz spectrum and that have the ability to be programmed and used on the County's System.

3. Section 5.01 of the Agreement is deleted in its entirety and replaced with the following:

5.01 <u>Municipality Equipment.</u> The Municipality's equipment will be P25 compliant 800 MHz mobile, portable, and control station equipment programmed to be used on the County's System. Equipment other than that manufactured by Motorola shall be approved by the System Manager prior to purchase by the Municipality. The Municipality will be required to keep its equipment in proper operating condition and the Municipality is responsible for maintenance of its radio equipment.

4. The Agreement is hereby modified to add the following:

SECTION 26: E-VERIFY – EMPLOYMENT ELIGIBILITY

26.01 Municipality warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended, , and that it: (1) is registered with the E-Verify System (E-Verify.gov), and uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers; and (2) has verified that all of the Municipality's contractors and subcontractors performing any duties and obligations under this Agreement are registered with and use the E-Verify System to electronically verify the employment eligibility of all newly hired workers.

26.02 County shall terminate this Agreement if it has a good faith belief that

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Loxahatchee Groves/First Amendment

Municipality has knowingly violated Section 448.09(1), Florida Statutes as may be amended.

5. Except as modified by this First Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the Municipality and County.

(Remainder of the page intentionally left blank)

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Loxahatchee Groves/First Amendment

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the day and year first above written.

ATTEST:

JOS EPH ABRUZZO CLERK OF THE CIRCUIT COURT & COMPTROLLER

By:___

Deputy Clerk

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, a political subdivision of the State of Florida

By: ____

Maria Sachs, Mayor

APPROVED AS TO TERMS AND CONDITIONS

By: County Attorney

ATTEST:

By Town √alerie Oakes.

By: MR Consul Collaco, Director

Facilities Development & Operations

THE TOWN LOXAHATCHEE GROVES, FLORIDA.

By: Anita Kane, Mayor

APFROVED AS TO FORM ANL³ LEGAL SUFFICIENCY:

WIL Vijanlien By:

Town Attorney

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