

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

ADDITIONS, DELETIONS, & SUBSTITUTIONS

DECEMBER 6, 2022

<u>PAGE</u>	<u>ITEM</u>	
12	3D-1	DELETED FOR FURTHER STAFF REVIEW (Attorney)
42	4D	DELETED (District 5)
48	5G-1	ADD-ON: Staff recommends motion to approve: Corrective Action Plan (CAP) required by Federal Aviation Administration (FAA), Final Agency Decision (FAD) in <i>Forman v. Palm Beach County</i> , FAA Docket No. 16-17-13 for submission to the FAA for approval, providing for a commitment by the County to the repeal of 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); removal of notations referring to the Jet Restriction from aviation facility records; continued suspension of enforcement of the Jet Restriction pending approval of the CAP by the FAA; notification to interested parties of the suspension of enforcement of the Jet Restriction; and completion of the Part 150 Noise Compatibility Study, including submission of a forecast to the FAA with the anticipated volume of jet operations. SUMMARY: On January 13, 2021, the FAA issued a FAD determining the Jet Restriction was adopted in violation of the Airport Noise and Capacity Act (ANCA) and the County's federal grant obligations. The FAA ordered the County to submit a CAP within 60 days, which must, subject to FAA approval, permit immediate access to jet aircraft capable of using the Lantana Airport's existing runways, and, within 180 days, provide a formal, legal commitment to rescind or not enforce the Jet Restriction. On February 9, 2021, the Board directed the County Attorney to file a petition for review with the U.S. Court of Appeals and suspended enforcement of the Jet Restriction pending review. On November 18, 2022, the U.S. Court of Appeals issued an opinion denying the County and City of Atlantis' (City) joint petition for review. As a result, the County remains in violation of federal law and its grant assurance obligations, risking further enforcement action by the FAA. Currently, the FAA will not act on any applications submitted by the County for general aviation Airport Improvement Program (AIP) entitlement funds; discretionary AIP grants; or grants created by the Bipartisan Infrastructure Law, including the County's allocated funding under Airport Infrastructure Grant program and discretionary grants under the Airport Terminal Program for any airport within the County's Airport System, including the Palm Beach International Airport (PBI). If the County does not submit a CAP acceptable to the FAA, the FAA may take additional enforcement action, including terminating the County's eligibility for primary airport entitlement funds under the AIP and the County's Passenger Facility Charge collection authority for PBI. Submission of the CAP to the FAA is required to restore the County's compliance with federal law and grant assurance obligations and is strongly recommended by both the County's outside legal counsel and County Attorney's office. The CAP provides the County will adopt a resolution repealing the Jet Restriction in accordance with Florida law (FL Stat. 332.08(2)); remove of notations referring the Jet Restriction in aviation facility records; notify Errol Forman (Complainant) that he may operate his jet aircraft at the Lantana Airport; notify the City that the County is unable to continue to enforce the Jet Restriction as set forth in the Interlocal Governmental Agreement for Lantana Airport (Interlocal) (R91-324D); and complete the County's LNA Part 150 Noise Compatibility Study (R2019-1687), including the submission of a forecast of aircraft activity to the FAA with the anticipated volume jet operations and conducting a public meeting regarding the forecast. <u>Countywide</u> (AH) (Airports)

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**

DECEMBER 6, 2022

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

PRESENTATION OF EMPLOYEE SERVICE AWARDS - 9:00 A.M. (Page 7)

- 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 7-41)**

- 4. SPECIAL PRESENTATIONS (Page 42)**

- 5. REGULAR AGENDA (Pages 43-47)**

- 6. BOARD APPOINTMENTS (Page 48)**

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

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3B-1 Warrant list

3B-2 Change orders, work task orders, minor contracts, final payments, etc.

3B-3 Contracts and claims settlements list

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

ADJOURNMENT (Page 52)

PRESENTATION OF EMPLOYEE SERVICE AWARDS – 9:00 A.M.

Staff recommends motion to adopt: Presentation of annual Service Awards to 275 County employees with 20, 25, 30, 35, 40 and 45 years of service. **SUMMARY:** This is Palm Beach County’s 56th Annual Service Awards ceremony to honor County employees for their dedicated service. Countywide (DO)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to ratify:** the following Palm Beach County League of Cities (League) representatives to the Treasure Coast Regional Planning Council (TCRPC), beginning January 1, 2023 to December 31, 2023:

<u>Nominees</u>	<u>Seat No.</u>	<u>Representing</u>
<u>Regular appointments:</u>		
Anne Gerwig, Mayor	4	Village of Wellington
Jeff Hmara, Councilman	5	Village of Royal Palm Beach
Robert Gottlieb, Council Member	6	Town of South Palm Beach
John Linden, Commissioner	7	Town of Lake Park
Chelsea Reed, Mayor	8	City of Palm Beach Gardens
<u>Alternate appointments:</u>		
Joseph Peduzzi, Commissioner	4A	City of West Palm Beach
Yvette Drucker, Council Member	5A	City of Boca Raton
Kristine de Haseth, Vice Mayor	6A	Town of Ocean Ridge
Christopher McVoy, Vice Mayor	7A	City of Lake Worth Beach
Deborah Searcy, Mayor	8A	Village of North Palm Beach

SUMMARY: In accordance with the TCRPC Rules of Order, the Board of County Commissioners (BCC) appointed its members and alternates for the coming year before the Council’s annual meeting in December, 2022. The TCRPC Rules of Order also require the BCC ratify the League’s members. The League appointed the above municipal representatives at their October, 2022 meeting. Countywide (HH)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

2. Staff recommends motion to approve: the appointment of David M. Gobeo to the CareerSource Palm Beach County, Inc. Board of Directors (Board) for the seat and term indicated below:

Appointment	Seat No.	Term	Area of Representation	Nominated By
David M. Gobeo	21	12/06/22-12/05/29	Private Sector	FordHarrison, LLP

SUMMARY: On October 5, 2021, the Board of County Commissioners (BCC) approved the Interlocal Agreement Palm Beach Workforce Development Consortium, which replaced Interlocal Agreement R2007-1220; first amendment to the Interlocal Agreement R2007-1446; Amendment No. 2 to the Interlocal Agreement R2008-1268; and third amendment to the Interlocal Agreement R2014-1650. The agreement states each municipality that is a Consortium member may appoint one private sector member of the Board, meeting the requirements of Workforce Innovation and Opportunity Act (WIOA), Section 107(b)(2)(A) and the Florida Workforce Innovation Act. The BCC will appoint private sector board members to assure a minimum 51% private sector majority. On October 7, 2022, Palm Beach Workforce Development Consortium member municipality of West Palm Beach, appointed David M. Gobeo to the CareerSource Palm Beach County, Inc. Board as the City of West Palm Beach private business sector representative. Mr. Gobeo is a Florida Bar licensed attorney and the Office Managing Partner with FordHarrison, LLP. The Federal WIOA requests that an emphasis be placed on Chief Executive Officers or highest level of management positions for both community and business sector appointments. The CareerSource Palm Beach County, Inc. Board (Board) is comprised of a minimum of 19 members with representation established in Attachment 4 to this agenda item. The Board has a maximum of 33 seats, 21 currently filled and a diversity count of Caucasian: 15 (71%), African-American: 3 (14%) and Hispanic: 3 (14%). The gender ratio (female:male) is: 8:13. The nominee is Caucasian male. Countywide (HF)

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 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 October of 2022. Countywide
3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** Work Order 2021050-31 in the amount of \$539,000 to mill and resurface Old Boynton Road from Military Trail to Knuth Road utilizing Palm Beach County’s (County) annual asphalt milling and resurfacing contract R2021-0984 (Contract) with Ranger Construction Industries, Inc. (Ranger). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$10 million of Ranger’s \$50 million Contract that was approved on August 17, 2021, by the BCC, has been spent or encumbered. This Contract is one of three contracts with an available cumulative total of \$50 million for the annual asphalt milling and resurfacing program. The Affirmative Procurement Initiative selected for this Contract on September 16, 2020 by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. Ranger agreed to 15% SBE participation for the Contract and for this work order. The cumulative SBE participation, including this work order is 14%. **This project is included in the Infrastructure Sales Tax. District 2 (YBH)**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

2. Staff recommends motion to approve: Supplement No. 2 (Supplement) to the Work Task Order (WTO) dated March 13, 2018 (R2018-0206) under the Structural Annual Services Contract dated February 7, 2017 (R2017-0138) (Contract) with WGI, Inc. (WGI) in the amount of \$125,876.55 for the professional services for Smith Sundy Road over the Lake Worth Drainage District (LWDD) L-33 Canal (Project). **SUMMARY:** The bridge on Smith Sundy Road over the LWDD L-33 Canal, at approximately 0.5 miles north of Atlantic Avenue, needs to be replaced. It was determined that the existing bridge would be replaced in-kind to limit the construction impacts to the surrounding agricultural operations. WTO (R2018-0206) was issued on March 13, 2018, to prepare the structural plans to replace the existing bridge with a two-lane bridge, including shoulders on both sides. Several alternatives for construction were prepared by WGI in order to provide the most convenient access during construction. The Engineering and Public Works Department (EPW) evaluated all access options and selected the current design in July 2019. Between July 2019 and April 2021, several delays were addressed, including creation of a revised typical section, unanticipated utility impacts, preparation of Supplement No. 1 and its notice to proceed, review of the 35% plans submittal and their return with comments. In April 2021, EPW reviewed the 65% complete design plans and it became apparent that more detailed construction phasing plans would be required. In the meantime, the Board of County Commissioners approved a maintenance map in June 2021 for additional right-of-way (ROW) along the Smith Sundy corridor that was acquired by EPW. Approval of this Supplement will provide the professional services necessary to revise the construction plans to add more detailed construction phasing plans to the Project's scope, and to include the additional ROW identified on the maintenance map. The solicitation for design professionals was advertised on August 7, 2016 and August 14, 2016, prior to the effective date of the Equal Business Opportunity Ordinance and pursuant to the Small Business Enterprise (SBE) Ordinance at the time with final selection taking place on October 19, 2016. The SBE goal for all contracts was 15%. WGI agreed to 15% SBE participation for the Contract. WGI agreed to 20.73% SBE participation for this Supplement. The cumulative SBE participation to date for the WTO including this Supplement is 57.92%. WGI has an office located in Palm Beach County. **This Project is included in the Five-Year Road Program and the infrastructure sales tax. District 5 (YBH)**

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

3. Staff recommends motion to approve: Consultant Service Authorization (CSA) No. 3, to the Construction Engineering Inspection (CEI) Annual Services Contract (R2021-0883) dated July 13, 2021 (Contract) with BCC Engineering, LLC (BCCE), in the amount of \$101,811.53 for the State Road 7 and Weisman Way Intersection Improvements (Project). **SUMMARY:** Approval of this CSA will provide the professional CEI services necessary for the Project. The Affirmative Procurement Initiatives selected for this Contract on November 6, 2019 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and an SBE evaluation preference. BCCE agreed to 30% SBE participation for the Contract. BCCE agreed to 31.35% SBE participation for this CSA. The cumulative SBE participation to date for the Contract including this CSA is 30.40%. **This Project is included in the Five-Year Road Program. District 6 (YBH)**

4. Staff recommends motion to approve: Work Order 2021050-24 in the amount of \$559,000 to mill and resurface Jog Road from Potomac Road to Yamato Road utilizing Palm Beach County's (County) annual asphalt milling and resurfacing contract R2021-0985 (Contract) with M&M Asphalt Maintenance, Inc. d/b/a All County Paving (M&M). **SUMMARY:** Per County PPM CW-F-050, this work order exceeds the \$200,000 threshold for staff approvals of work orders to annual contracts, thus requiring approval from the Board of County Commissioners (BCC). Approval of this work order will allow the contractual services necessary to construct the improvements. Prior to this meeting date, approximately \$5 million of M&M's \$50 million Contract that was approved on August 17, 2021, by the BCC, has been spent or encumbered. This Contract is one of three contracts with an available cumulative total of \$50 million for the annual asphalt milling and resurfacing program. The Affirmative Procurement Initiative selected for this Contract on September 16, 2020 by the Goal Setting Committee is a 15% minimum mandatory Small Business Enterprise (SBE) participation. M&M agreed to 15% SBE participation for the Contract and 20% SBE participation for this work order. The cumulative SBE participation, including this work order is 5.6%. District 4 (YBH)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. ~~DELETED FOR FURTHER STAFF REVIEW Staff recommends motion to approve:~~ a settlement agreement, in the total amount of \$1,195,000, inclusive of statutory attorneys' fees, expert fees and costs, in the eminent domain action styled Palm Beach County v Diosdado J. Broche, et al., Case No.: 502018CA013883 MB AE. **SUMMARY:** Palm Beach County (County) acquired Parcel 131 in fee simple and Parcel 331 as a temporary construction easement from the property owners, Diosdado J. Broche and Trinidad Broche, (Owners) on January 31, 2019, for the improvement of Silver Beach Road from east of Congress Avenue to east of Old Dixie Highway/President Barak Obama Highway. This settlement includes \$750,000 in compensation for the property and easement acquired and all damages, \$195,000 in statutory attorney's fees, and \$250,000 for the fees of the property owners' seven experts, for a total of \$1,195,000. This settlement will completely resolve this eminent domain proceeding as it relates to the parcels owned by Diosdado J. Broche and Trinidad Broche. District 7 (DO)

E. COMMUNITY SERVICES

1. **Staff recommends motion to receive and file:** contract for Provision of Services with Housing and Education Alliance, Inc. (HEA), for the period January 15, 2022 through September 30, 2024, in an amount not to exceed \$150,000, of which \$50,000 was budgeted in FY 2022 with an anticipated annual allocation of \$50,000 in each subsequent fiscal year, contingent upon a budgetary appropriation by the Board of County Commissioners (BCC), for the term of the contract, for the provision of housing counseling services for residents of Palm Beach County who were adversely impacted by the COVID-19 pandemic and are applying for rental and utility assistance under the Emergency Rental Assistance Program (ERA - COVID-19), established into law through Section 501, Division N, Consolidated Appropriations Act 2021, Public Law No. 116-260. **SUMMARY:** On January 21, 2021, the Board of County Commissioners allocated funding to the Community Services Department to provide rental and utility assistance to individuals and families through ERA - COVID-19. These funds were used to address the economic impact of the COVID-19 pandemic in Palm Beach County. Funding was also made available for eligible entities to implement the housing counseling services component of ERA - COVID-19. HEA will continue to assist clients with housing counseling services and will collectively serve up to 500 unduplicated families and individuals (Client). ERA – COVID-19 provides up to 12 months rental and utility assistance to eligible Palm Beach County residents who have experienced loss of income, reduction in hours of employment, or unemployment as a result of the COVID-19 pandemic. HEA will perform housing counseling services to provide clients with assistance in stabilizing housing situations to prevent loss of residence to eviction. **No County match is required.** (Community Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: an update to Palm Beach County's Behavioral Health Transportation Plan (Plan) to organize a centralized system of acute care services for persons in crisis pursuant to Section 394.462, Florida Statutes. **SUMMARY:** The Board of County Commissioners approved the Plan on June 6, 2017 as required by Section 394.462, Florida Statutes. The statute states, in part, "A transportation plan shall be developed and implemented by each county in collaboration with the managing entity." The Plan describes methods of transport to facilities within the designated receiving system for individuals subject to involuntary examination (pursuant to the Baker and Marchman Acts for involuntary commitment of persons in mental health and substance abuse crises). The Plan was developed by the Southeast Florida Behavioral Health Network (SEFBHN) in collaboration with the County, and received community input from the Department of Community Services, the Palm Beach County Public Safety Coordinating Council, the Baker Act Task Force and the Law Enforcement Planning Council. The Plan is required to be updated every three years, and this item represents the third update to the Plan since its 2017 inception. The 2023 Transportation Plan incorporates language to comply with recently enacted legislation regarding emergency contacts and least restrictive restraints. Corresponding programs funded through the County's Financially Assisted Agencies program have been, and will continue to be, aligned with the Plan. The Plan requires approval by SEFBHN, the Board of County Commissioners, and the Florida Department of Children and Families. Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) Modification to Emergency Rental Assistance Program 2 (ERAP 2), from the U.S. Department of the Treasury (Treasury), to increase funding with reallocated funds in the amount \$12,262,511.86, for a new total funding amount of \$61,184,275.76; and

B) an upward budget amendment in the amount of \$12,262,512 within the ERAP Fund to recognize the additional funding received from the Treasury for ERAP 2.

SUMMARY: On July 15, 2022, the Deputy Secretary of the Treasury released instructions on requesting additional ERAP 2 funding that may be available due to reallocations from under-performing jurisdictions. As a high-performing jurisdiction and based on program needs, Palm Beach County requested an additional \$20,000,000. On October 14, 2022, the Treasury awarded Palm Beach County \$12,262,511.86. The full requested amount was not available as the amount of reallocated funds requested by eligible grantees was far greater than the funding available to distribute. As of October 18, 2022, \$76,504,373 has been disbursed on behalf of 79,244 unduplicated households under ERAP. The Catalog of Federal Domestic Assistance number for ERAP is 21.023. **No County match is required.** (Division of Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to receive and file: Amendment No.1 to Interlocal Agreement with the City of West Palm Beach (R2020-1539), for the period May 1, 2020 through April 30, 2023, to redistribute funds from the Short-Term Rent, Mortgage, and Utility Assistance (STRMU) line item, to the Leasing-Hotel/Motel Vouchers line item, with no change to the total agreement amount of \$440,000. **SUMMARY:** The Ryan White Program was selected as a grant recipient project sponsor from the City of West Palm Beach to provide supportive and housing services to prevent homelessness for people with HIV in Palm Beach County. Approximately 300 families are expected to be served by this funding for transitional housing, permanent housing and short-term rental and utilities assistance, with no change to the total agreement amount. On October 20, 2020, via Agenda Item 3E-3, the Board of County Commissioners authorized the County Administrator or designee to execute grant agreements and all other documents necessary for the Housing Opportunities for Persons with AIDS Program under the Coronavirus Aid, Relief, and Economic Security Act. Staff is submitting this item as a receive and file item to allow the Clerk and Comptroller's Office to receive and file the item in accordance with PPM CW-O-051. **No County match is required.** (Ryan White Program) Countywide (HH)

5. Staff recommends motion to:

A) receive and file a Notice of Award (NOA) No. 6 H89HA00034-29-03 from the U.S. Department of Health and Human Services, Health Resources and Service Administration (HRSA), for the budget period of March 1, 2022 through February 28, 2023, for carryover funding of unobligated funds in the amount of \$580,080; and

B) approve a budget amendment in the amount of \$580,080 in the Ryan White Care Program fund to align the budget to the actual grant award.

SUMMARY: On December 7, 2021, the Board of County Commissioners (BCC) ratified the Mayor's signature on the Ryan White Part A HIV Emergency Relief Grant Program application (R2021-1778). On September 14, 2022, NOA No. 6 H89HA00034-29-03 from HRSA issued carryover funding from the prior grant year to the current grant year in the amount of \$580,080, for the Ryan White HIV/AIDS Program, Emergency Relief Project Grant. The total award for Grant Year (GY) 2022, including this NOA is \$8,181,047. Carryover amounts will vary from year to year based on funds that were leftover from prior grant year. The carryover funding will allow the Community Services Department to continue providing needed medical and support services to Palm Beach County residents with HIV/AIDS. In GY 2021, 3,155 clients were served with a viral suppression rate of 83%. **No County match is required.** (Ryan White Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to ratify: the signature of the Mayor on the Ryan White Part A HIV Emergency Relief Grant Year (GY) 2023 Agreements and Compliance Assurances, Non-Compete Continuation (NCC) Progress Report, for the period March 1, 2023 through February 29, 2024, in an amount not-to-exceed \$7,981,015, which represents a 5% increase from the current year grant and the ceiling amount available. **SUMMARY:** The U.S Department of Health and Human Services (HHS) Health Resources and Services Administration (HRSA) transitioned the Ryan White Program from an annual competitive program to a three-year non-competing continuation program, effective in GY 2022. The Ryan White Program is still annually funded; however, to reduce administrative burden and better align programmatic goals, NCC Progress Reports will be submitted in lieu of competitive applications in the second and third budget periods. The Palm Beach County Board of County Commissioners (BCC) has received this federal grant since 1994 and assisted thousands of persons with HIV/AIDS with medical and support series. The funding for GY 2023 will allow us to serve approximately 3,800 Palm Beach County residents with HIV/AIDS and advance our goal to end HIV by 2030. The emergency signature process was utilized because there was insufficient time to submit this item through the regular BCC agenda process and meet the grantor's deadline. **No County match is required.** (Ryan White Program) Countywide (HH)

7. Staff recommends motion to approve: the contract for Provision of Services with Housing Partnership, Inc., d/b/a Community Partners of South Florida, for the period August 15, 2022 through January 31, 2023, in an amount not-to-exceed \$35,000, to facilitate the 2022 Economic Mobility Summit. **SUMMARY:** Community Partners of South Florida (CPSFL) will collaborate with Palm Beach County's Community Services Department (CSD) to hold the 2022 Securing our Future Initiative Economic Mobility Summit (Summit), to be held on December 5, 2022. CSD and CPSFL will work collaboratively to ensure a successful, educational event and will meet regularly to ensure expectations, agreements, registrations, budget, and event activities are within scope and executed with fidelity. CPSFL will process payments for Summit related activities using grant funding, sponsorship funds, and registration fees. CSD will process payments directly for the Convention Center and speaker fees, and CPSFL will process all other payments using sponsorships, registration fees, and up to \$35,000 of National Association of Counties funding provided by CSD. CPSFL's responsibilities include collection of sponsorships and registration fees, coordination of speaker's lodging, facilitation of pre-summit activities including pre-summit reception, and purchase of conference needs (which will be either purchased through funds collected through sponsorships and registration fees, or reimbursed by CSD for the balance). **No County match is required.** Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to:

A) approve the fourth amendment (Amendment) to Hotel Development Site Lease Agreement with CVH PBIA, LLC (CVH), a Florida Limited Liability Company, (Lease) (R2017-0356, as amended) amending provisions pertaining to leasehold mortgages and assignment of the Lease in the event of a leasehold mortgage foreclosure; and

B) receive and file a Landlord Estoppel Certificate (Estoppel) confirming terms and conditions of the Lease, in connection with a leasehold mortgage by CVH.

SUMMARY: CVH leases approximately three acres of ground on the Palm Beach International Airport for the operation of a Home2 Suites hotel. CVH is in the process of refinancing its leasehold mortgage that was used to fund the original improvements to the site. CVH requested the Estoppel on behalf of the lender, which certifies certain facts related to the Lease such as the term of the Lease, status of payments and that no current defaults exist. The Estoppel was provided on October 5, 2022, but the lender's underwriter has also requested modifications to the Lease for the protection of the lender in the event of a default of CVH or the foreclosure of the leasehold mortgage. Modifications include clarification that the consent of the County is not required for the assignment of the Lease to the lender in the event of a foreclosure or the default of the CVH; that the lender shall not be required to cure certain "non-curable" defaults unrelated to the payment of sums due under the Lease, such as the bankruptcy of CVH or wrongful assignment of the Lease by CVH; and that the County will enter into a new lease with a qualified assignee upon the same terms and conditions as the lease in the event the Lease is terminated. The modifications are consistent with language typically required by lenders providing leasehold mortgages; therefore, the Department is recommending approval of this item. Countywide (HF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to receive and file: the Quarter Ending 9-30-2022 information for Children's Services Council of Palm Beach County (CSCPBC). **SUMMARY:** The CSCPBC has submitted their Quarter Ending 9-30-2022 information as per Section 125.901(3)(f), Florida Statutes. Countywide (DB)
2. Staff recommends motion to receive and file: the 2022-2023 Budget from the Delray Beach Community Redevelopment Agency (CRA). **SUMMARY:** The Delray Beach CRA has submitted its CRA Budget for Fiscal Year 2022-2023 as per Section 163.356(3)(d), Florida Statutes. Countywide (DB)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to receive and file: Sublease Agreement with the University of Florida (University) and the State of Florida Department of Environmental Protection, Division of State Lands (State) for use of State-owned real property located at 571 N. Military Trail in West Palm Beach, adjacent to the Mounts Botanical Garden (Mounts). **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 Sublease Agreement has 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 & Operations, after review and approval by the County Attorney and in accordance with the Memorandum of Understanding between the County and the University, which was approved by the Board on May 2, 2022 (R2022-0459). The executed agreement is now being submitted to the Board to receive and file. (FDO Admin) Countywide/District 2 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. **Staff recommends motion to receive and file:** exercise of the first option to extend Concessionaire Lease Agreement with Rick Macci Academy, Inc. d/b/a Rick Macci Tennis Academy for the continued operation of a tennis, racquetball and pro shop concession at Burt Aaronson South County Regional Park, extending the term from January 15, 2023 through January 14, 2025 at an annual rent of \$27,540 (\$2,295 monthly). **SUMMARY:** On January 15, 2019, the Board of County Commissioners (Board) approved the Concessionaire Lease Agreement (R2019-0156), which was amended on September 14, 2021 by the first amendment (R2021-1373) (collectively, Agreement) with Rick Macci Academy, Inc. d/b/a Rick Macci Tennis Academy (Macci) for the operation of a tennis, racquetball and pro shop concession at Burt Aaronson South County Regional Park. The current term expires on January 14, 2023 with three two-year renewal options. Macci provided the County with a notice of its intent to exercise the first option to extend the Agreement through January 14, 2025. Effective January 15, 2023 and pursuant to the terms of the Agreement, the annual rent shall increase by 2% to \$27,540 (i.e. \$2,295/month). All other terms and conditions of the Agreement shall remain in full force and effect. Parks and Recreation (Parks) will continue to have administrative responsibilities for this Agreement. (Property & Real Estate Management) District 5 (HJF)

3. **Staff recommends motion to approve:** Amendment No. 3 to License Agreement #2276 with South Florida Fair & Palm Beach County Expositions, Inc. for the continued use of 7,080 SF (\$16.62/SF) of storage space located at 9067 Southern Blvd. in West Palm Beach at a rate of \$325 per day and utilities at \$600/month, from January 1, 2023 through December 31, 2023. **SUMMARY:** On December 29, 2020, the County Administrator executed License Agreement #2276 with South Florida Fair & Palm Beach County Expositions, Inc. (Fair) for warehouse space at the Fairground to store emergency supplies related to the COVID-19 emergency. The current term expires on December 31, 2022. Fire Rescue has requested a 12-month extension as it is still in need of storage space; the Fair has agreed to the extension. This Amendment No. 3 will extend the term from January 1, 2023 through December 31, 2023. The rental rate and utility cost will remain unchanged. All other terms of the License Agreement remain unchanged. Fire Rescue will continue to have administrative responsibility for this License Agreement. This License Agreement is exempt from public disclosure pursuant to Florida Statutes, Sections 119.071(3)(a) and 286.011, Florida Statutes. (Property & Real Estate Management) District 6 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve: a second amendment to lease agreement with RREEF America REIT II Corp. S for the continued use of 76,603 square feet of space and exclusive use of two parking spaces located at 7835 Byron Drive Unit 1, Riviera Beach, for the Supervisor of Elections warehouse operation from January 1, 2024 through December 31, 2026 at an annual rental rate of \$727,728.50 (\$9.50/sf). **SUMMARY:** The County has leased 76,603 sf of warehouse and office space on behalf of the Supervisor of Elections (SOE) from RREEF America REIT II Corp. S (RREEF) since 2009. On September 22, 2015, the Board of County Commissioners (Board) approved Lease Agreement (R2015-1342) with RREEF for a term of five years, commencing on June 22, 2016 through June 21, 2021, with one option to renew for two years. The first amendment (R2020-0923) dated July 14, 2020, extended the term of the lease for 30 months, from June 22, 2021 until December 31, 2023 (current expiration date). Due to delays in the construction of the new permanent SOE facility resulting in part from the impacts the COVID19 pandemic had on material availability and distribution chain, and to prevent disruption of operation during elections, especially the upcoming presidential elections, County Staff proceeded with a request to extend the current lease to ensure continuity of operations. This second amendment to the lease extends the term from January 1, 2024 through December 31, 2026; increases the annual rental rate from \$629,676.66 (\$8.22/sf) to \$727,728.50 (\$9.50/sf), subject to 4% annual increases; and provides for exclusive use of two parking spaces. SOE will continue to be responsible for its share of taxes and expenses for the leased premises. All other terms and conditions of the Lease shall remain in full force and effect. SOE will continue to have administrative responsibility for this lease. (Property & Real Estate Management) Countywide (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

5. Staff recommends motion to approve: a first amendment to Concessionaire Lease Agreement with Kayak-King Watersports, Inc. for the continued management and operations of the water sports and recreational rental concession at Okeeheelee Park from February 4, 2023 to February 3, 2025 at a Guaranteed Annual Rate (GAR) of \$8,701.91. **SUMMARY:** On February 4, 2020, the Board of County Commissioners (Board) approved the Concessionaire Lease Agreement (R2020-0124) with Kayak-King Watersports, Inc. (Kayak-King) for the management and operations of the water sports and recreational rental concession at Okeeheelee Park for an initial term of three years, expiring on February 3, 2023. Pursuant to the agreement, Kayak-King has the option to exercise two extensions for a period of two years each. Kayak-King provided the County with a notice of its intent to exercise the first option to extend the term of the agreement through February 3, 2025, with one two-year extension option remaining. The current GAR is \$8,531.28/year, which will increase by 2% annually effective February 4, 2023, for a new GAR of \$8,701.91/year. This amendment also updates certain standard provisions required in County agreements. All other terms and conditions shall remain the same. Parks & Recreation will continue to have administrative responsibility for this agreement. (Property Real Estate Management) District 2 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

6. Staff recommends motion to:

A) approve a license agreement with the Federal Emergency Management Agency (FEMA) for the use of portions of the County's Hagen Ranch Road Library for FEMA to establish a Mobile Disaster Recovery Center (MDRC) for the benefit of Palm Beach County residents impacted by Hurricane Ian for a term of 60 days (Agreement); and

B) authorize the County Administrator or designee which in this case shall be the Director of the Facilities Development and Operations Department (FDO), to execute FEMA's standard form license agreement when FEMA assistance is required and where there is no fiscal impact to the County and the County Attorney's Office (CAO) has reviewed the form of agreement for legal sufficiency.

SUMMARY: Staff recommends approval of the Agreement with FEMA. Under the Agreement, FEMA will establish a MDRC at the County's Hagen Ranch Road Library where Palm Beach County residents impacted by Hurricane Ian may apply for federal assistance. The Agreement has a term of 60 days and may be extended by the mutual consent of the parties. The use of the library will be at no cost to FEMA and will have no fiscal impact on the County. Staff also recommends that the FDO Director be delegated authority to sign FEMA's standard form license agreement when necessary to assist residents when there is no fiscal impact to the County and CAO has reviewed the agreement. This Agreement is exempt from the Equal Opportunity Ordinance as an agreement between government entities. The Public Safety Department supports this request. The Agreement contains non-standard liability language whereby the County and FEMA each agree to be responsible for the negligent or wrongful acts or omissions of their respective employees arising under the Agreement. FDO has requested Risk Management and the CAO approval of the nonstandard liability provisions due to the need for this Agreement, and after advising the department accordingly, approval has been granted. (FDO Admin) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. Staff recommends motion to receive and file:

A) Standard Equipment Use Agreement for the period of October 20, 2022 through October 25, 2022, with Ric L. Bradshaw, Sheriff of Palm Beach County, for use of two Doosan light towers and two Wanco light towers; and

B) Standard Equipment Use Agreement for the period or June 29, 2022 through July 1, 2022, with the Palm Beach County Sports Commission, Inc., for the use of 17 radios.

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 Equipment Use Agreements have 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 Equipment Use Agreements were approved by the Board on October 1, 2013, agenda item 3H-2. 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)

8. Staff recommends motion to approve: a contract with Zyscovich, LLC (Consultant) to provide professional master site planning, programming, investigation, design, interior space planning, engineering, permitting and construction administration services for the South County Administrative Complex Redevelopment project in the amount of \$498,853. **SUMMARY:** The South County Administrative Complex (Complex) consists of approximately 28 acres of County-owned developed real property located in close proximity to West Atlantic Avenue on the east side of Congress Avenue in the City of Delray Beach. The existing main building houses several County general government departments (e.g. Community Services, Facilities Development & Operations) as well as offices for Constitutional Officers (e.g. County Commissioners, Supervisor of Elections). The Complex includes standalone buildings currently occupied by the Tax Collector and the Department of Health. On April 26, 2022, the Board of County Commissioners (Board) authorized County Staff to proceed with a programming and needs assessment effort in order to ensure that the property on which the Complex sits is redeveloped to its highest and best use. The objective of the programming and needs assessment phase will be to determine current and projected future growth needs to support County government operations and that of its governmental partners in the South County area. The Consultant will conduct a programming and needs assessment to identify potential efficiencies to be achieved by consolidating operations into a multi-story general government facility, as well as assisting staff in a professional analysis of best placement (on-site and/or off-site) for all identified needs. In addition to the new general government facility, the project will include the development of a preliminary master plan for the site, to be finalized in collaboration with a private development partner, which the County will select through a separate public procurement effort. Once the programming and needs assessment effort is complete, the Consultant will provide site planning and master planning services to identify potential configurations for redevelopment of the site, acreage to be retained for public use and the resulting real property acreage and configuration to be allocated for private redevelopment. The solicitation for design professionals was advertised on May 22, 2022 according to the Equal Business Opportunity (EBO) Ordinance, with final selection on August 16, 2022. The project was presented to the Goal Setting Committee on May 18, 2022. The Committee established Affirmative Procurement Initiatives of a Minority Business Enterprise (MBE) evaluation preference of up to 15 points and a minimum mandatory participation goal of 20% Small Business Enterprise (SBE) participation. The Consultant is not a certified SBE firm. The Consultant committed to a 20% SBE participation goal, of which 7% is MBE participation from an African American business for this contract. The Consultant will provide 12.16% S/MBE participation on this phase of the project. The Consultant is not a local firm. **Funding for this project is from the Infrastructure Sales Tax fund.** (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

9. Staff recommends motion to approve: Work Order No. 22-007 to the annual electrical contract with Grid-One Electrical Construction, Inc. (Contractor) (R2019-1755) for the Ocean Reef Park – Parking Lot Light Replacement project in the amount of \$385,000 for a period of 120 calendar days from permit issuance. **SUMMARY:** On November 19, 2019, the Board of County Commissioners (Board) approved the annual electrical contract with the Contractor to provide electrical repair and replacement services. The existing metal halide fixtures at Ocean Reef Park are obsolete and becoming expensive to operate and maintain. Work Order No. 22-007 authorizes construction services to replace the existing metal halide parking lot light fixtures with light-emitting diode (LED) light fixtures. The existing lighting circuitry and controls will be eliminated as each new fixture will have integral controls. Replacing these fixtures with LED light fixtures will reduce energy consumption, maintenance cost and provide improved lighting throughout the area. 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 \$120 per day. On June 5, 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; or 2) 10% Small Business Enterprises (SBE) Price Preference for projects \$100,000 or greater. Since this project is over \$100,000, the applicable API is 10% SBE price preference. The Contractor is an SBE and committed to 100% SBE participation for this work order. The cumulative SBE participation on the annual electrical contract is 79.64%. The Contractor is a local business. **The funding sources for this project are the Infrastructure Sales Tax Fund and the Park Improvement Fund.** (Capital Improvements Division) District 1 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

10. Staff recommends motion to receive and file: termination for convenience of the annual heating ventilation and air conditioning (HVAC) contract with Commercial Cooling Concepts, Inc. (Contractor) (R2020-1230). **SUMMARY:** On March 10, 2020, the Board of County Commissioners (Board) approved the annual HVAC contract with the Contractor to provide HVAC services related to system and component installations, upgrades, replacements, modifications and repairs to County properties. On September 30, 2022, the Purchasing Director sent Contractor a letter that terminated its existing contracts and suspended it from doing any new business with the County for a period of two years in accordance with Section 2-56(b)(1) of the County's Purchasing Code. This suspension prohibits the Contractor from bidding on, or being awarded work, under any new or preexisting County contract during the term of the suspension. Accordingly, on October 5, 2022, the Director of Facilities Development and Operations executed a termination for convenience of the annual HVAC contract (R2020-1230) in accordance with General Condition 26. This contract termination is being submitted to the Board as a receive and file item. (Capital Improvements Division) Countywide (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve: a contract with The Weitz Company, LLC (Weitz) to provide construction manager at risk services for the Governmental Center Renewal and Replacement (R/R) project, located at 301 North Olive Avenue, West Palm Beach. **SUMMARY:** The Governmental Center R/R project consists of upgrades and replacement of select building finishes and systems including security, heating ventilation air conditioning, plumbing, fire alarm, fire sprinkler, electrical, low voltage, lighting, flooring, painting and interior improvements to better address department operational needs. Additional improvements to the facility may include building hardening, exterior improvements and interior structural work. Construction services for this project shall be implemented in phases. During the first phase of the project, the construction manager (CM) shall assist the design professional with a building condition assessment, including an evaluation of the building's structural integrity. The County will evaluate the findings and recommendations of the aforementioned study in order to determine the most appropriate solution to be used as the scope of the project to be constructed. Once the construction documents are completed, the CM will bid the construction subcontracts and provide a Guaranteed Maximum Price (GMP). The construction of the facility will be authorized through a GMP amendment to the contract, which will be presented to the appropriate approval authority. The proposed renovations will be designed to increase the functionality of key areas within the facility and bring the building up to current County standards. The estimated construction cost is \$50,000,000. The solicitation for the CM was advertised on October 17, 2021 according to the Equal Business Opportunity (EBO) Ordinance, with final selection taking place on March 15, 2022. On October 6, 2021, the Goal Setting Committee established an Affirmative Procurement Initiatives (API) for a Small Business Enterprise (SBE) evaluation preference of up to ten points for SBE participation plan and five points for CM/SBE partnering. Weitz is not a certified Small/Minority/Women-Owned (S/M/WBE) Business Enterprise. Weitz partnered with All-Site Construction Inc., an S/MBE firm for services in the amount not less than 15% of its preconstruction and construction phase fees. The CM is on notice that all GMP amendments for construction services issued pursuant to this contract will be subject to the requirements of the EBO, including requesting that an API be set prior to bidding the subcontracts. Weitz is a local business. (Capital Improvements Division) District 7 (MWJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to receive and file:** Amendment 1 to the Florida Fish and Wildlife Conservation Commission (FWC) Agreement No. 21030 (Agreement), for artificial reef deployment, in order to extend the reef deployment timeline for completion to September 1, 2023, extend the Agreement expiration date to September 30, 2023, and change the funding category from state to federal funds. **SUMMARY:** On January 4, 2022, the Board of County Commissioners approved FWC Agreement No. 21030 (R2022-0028) and authorized the County Administrator or designee to sign all future time extensions and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement. Amendment 1 extends the reef deployment timeline for completion to September 1, 2023, extends the Agreement expiration date to September 30, 2023, and changes the funding category from state to federal funds in order to utilize an existing federalized artificial reef deployment contract. In accordance with County PPM CW-O-051, all delegated contracts/agreement/grants must be submitted by the initiating Department as a receive and file agenda item. **There is no cost to the County.** District 4 (SS)

2. **Staff recommends motion to approve:** Amendment Number 1 (Amendment) to the Project Cooperation Agreement (PCA) (R1995-352D) between the Department of the Army (DoA) and Palm Beach County, Florida for construction of the Jupiter/Carlin Segment (Project) of the Palm Beach County, Florida Shore Protection Project. **SUMMARY:** The PCA approved in 1995 provides Federal cost share for periodic beach nourishment of the Project and 100% federally funded restoration of storm damages through the Flood Control and Coastal Emergencies Act (FCCE). The originally authorized periodic nourishment period included two Federally cost-shared projects completed in 1995 and 2002 before expiring in 2005. From 2005 to now, the DoA also completed two 100% Federal FCCE projects following Hurricanes Sandy and Irma. The Amendment extends Federal participation in periodic nourishment to 2045. **There is no cost to the County.** District 1 (SS)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: an executed Sponsorship Agreement with Vic Canales Media Group, LLC, for a cash sponsorship in the amount of \$20,000 for four Carlin Park After Dark concert events at Seabreeze Amphitheater, during the period October 8, 2022 through April 8, 2023. **SUMMARY:** This Sponsorship Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator and Director of the Parks and Recreation Department in accordance with Resolution 2008-0442, amended by Resolution 2017-0102. Sponsorship events help offer a balanced schedule of events, which promote the quality of life in the communities we serve. The Department is now submitting this agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 1 (AH)

2. Staff recommends motion to receive and file: the executed Entertainment Contractor Agreement for LAM CONSULTING ASSOCIATION LLC in an amount not to exceed \$2,000 for the All Fired Up concert at Seabreeze Amphitheater, on October 8, 2022. **SUMMARY:** The Parks and Recreation Department produces cultural activities to promote the quality of life in the communities it serves. A sponsorship in the amount of \$20,000 for the Carlin Park After Dark concert series from Vic Canales Media Group LLC offset the expenses of this event at the Seabreeze Amphitheater. This Entertainment Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolutions 2010-0644, 2014-0168 and 2017-1367. The Department is now submitting this agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

3. Staff recommends motion to receive and file: an executed Sound and Light Production Service Contractor Agreement with Sanderford Sound, Inc. in an amount not to exceed \$2,590 for the All Fired Up concert at Seabreeze Amphitheater, for the period October 8, 2022 through October 9, 2022. **SUMMARY:** The Parks and Recreation Department produces cultural activities to promote the quality of life in the communities it serves. A sponsorship in the amount of \$20,000 for the Carlin Park After Dark concert series from Vic Canales Media Group LLC offset the expenses of this event at the Seabreeze Amphitheater. This Sound and Light Production Service Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, amended by Resolutions 2010-0645, 2014-0167, 2017-1368 and 2018-0179. The Department is now submitting this agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 1 (AH)

4. Staff recommends motion to receive and file: the following two executed Entertainment Contractor Agreements:

A) Nathan Mercado in an amount not to exceed \$500 for the Spider Cherry concert at Canyon Amphitheater, on September 17, 2022; and

B) Richard Smith in an amount not to exceed \$500 for the Big City Dogs Band concert at Canyon Amphitheater, on October 15, 2022.

SUMMARY: The Parks and Recreation Department produces cultural activities to promote the quality of life in the communities it serves. A sponsorship in the amount of \$6,000 for the Legends of the Lawn events from Nostalgic America offset the expenses of these two concerts at the Canyon Amphitheater. These Entertainment Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2008-1109, amended by Resolutions 2010-0644, 2014-0168 and 2017-1367. The Department is now submitting these agreements in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

5. Staff recommends motion to receive and file: an executed Amphitheater Rental Agreement with American Cancer Society, Inc. for the Making Strides Against Breast Cancer Walk at Sunset Cove Amphitheater, for the period of October 14, 2022 through October 15, 2022. **SUMMARY:** This Amphitheater Rental Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolutions 2009-1807, 2012-1715, and 2014-0166. The Department is now submitting this agreement in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 5 (AH)

6. Staff recommends motion to receive and file: an executed second amendment to the Independent Contractor Agreement with Stephen VanCoppennolle, Adult Water Aerobics Program, North County Aquatic Complex, to increase the amount of the agreement (R2021-1835, amended R2021-1835), by \$1,000 for a total amount not to exceed \$6,250 for the period of October 1, 2021 through September 30, 2022. **SUMMARY:** The Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator and Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, 2012-0168, 2017-0822 and 2021-2049. The Department is now submitting this amendment in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. District 1 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. Staff recommends motion to receive and file: the following 11 executed Independent Contractor Agreements:

A) Coralytes, LLC, US Synchronized Swimming Coach at Aqua Crest Pool, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$62,244;

B) LB2 Enterprises, Inc., US Masters Swimming Coach at Aqua Crest Pool, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$92,000;

C) Lightning Swimming, LLC, USA Swimming Coach at Lake Lytal Pool, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$138,978;

D) LB2 Enterprises, Inc., US Masters Swimming Coach at Lake Lytal Pool, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$26,922;

E) Derek Jones, US Diving Coach at North County Aquatic Complex, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$87,828;

F) Jupiter Dragons Swim Team LLC, USA Swimming Coach at North County Aquatic Complex, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$244,501;

G) LB2 Enterprises, Inc., US Masters Swimming Coach at North County Aquatic Complex, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$131,838;

H) Mary Lou Putnam, Water Aerobics Instructor at North County Aquatic Complex, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$24,001;

I) Stephen VanCoppennolle, Water Aerobics Instructor at North County Aquatic Complex, for the period of October 1, 2022 through September 30, 2023 in an amount not to exceed \$7,000;

J) Gold Coast Gymnastics, Inc., Gymnastics Instructor at West Boynton Recreation Center, for the period of October 18, 2022 through October 13, 2023 in an amount not to exceed \$7,546; and

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

7. (Cont'd)

K) Modern Bujutsu Karate Florida, Inc., Karate Instructor at West Boynton Recreation Center, for the period of October 19, 2022 through October 27, 2023 in an amount not to exceed \$11,813.

SUMMARY: These Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (BCC) by the County Administrator and Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 2002-2103, 2007-0409, 2012-0168, 2017-0822 and 2021-2049. The Department is now submitting these agreements in accordance with County PPM CW-O-051, which requires all delegated agreements to be submitted by the initiating Department to the BCC as a receive and file agenda item. Districts 1, 2, 3 & 7 (AH)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to:

A) approve a standard Interlocal Agreement for Information Systems Services (ISS) support services provided to municipalities and special taxing districts in preparing their non-ad valorem (NAV) assessment rolls; and

B) authorize the County Administrator or designee to delegate authority to ISS to execute interlocal agreements with municipalities and special taxing districts associated with these services.

SUMMARY: Section 197.3632, Florida Statutes, establishes a uniform method for levying collection and enforcement of NAV assessments imposed by counties, municipalities, and special districts. These assessments are calculated on a unit basis rather than on property value and are used to pay for an improvement or service to the property such as drainage, lighting, paving or fire hydrants. ISS has historically assisted special districts and municipalities in the final preparation of their assessment rolls. Countywide (DB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY

1. Staff recommends motion to receive and file: the executed Palm Beach County Sheriff's Office State Law Enforcement Trust Fund Agreement (LETf) which provides partial funding of expenses associated with regulation of home caregivers in the amount of \$10,000 for the period July 1, 2022 through June 30, 2023. **SUMMARY:** The Department of Public Safety Division of Consumer Affairs administers the Home Caregiver Ordinance, a general fund program. While home caregivers affiliated with an agency pay a \$30 application fee and private/independent caregivers pay a \$100 application fee for the ID Badge, there is an annual shortfall of revenue that is offset by general funds. To close this revenue shortfall and keep the five-year ID badge affordable, staff submitted an application to LETf and was subsequently notified of the \$10,000 award. R2021-1848 authorized the County Administrator or designee to sign future LETf agreements including amendments and renewals that do not change the scope of work or terms and conditions of the contract. The County received the fully executed agreement on September 30, 2022. Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) receive and file Amendment 10 for subcontract #16TFGR26 with the Florida Council Against Sexual Violence (FCASV) in the amount of \$270,971 to define tasks and deliverables for the period of July 1, 2022 through June 30, 2023, to provide sexual assault recovery services for a total of \$1,204,811 for the period of July 1, 2016 through June 30, 2026; and

B) approve budget amendment of \$114,801 in the Public Safety Grants Fund to adjust the budget to the actual grant awards.

SUMMARY: FCASV provides funding to Palm Beach County Department of Public Safety Division of Victim Services (DVS) through the award of annual grants to support and enhance sexual assault recovery services to primary and secondary victims. Amendment 10 to subcontract #16TFGR26 (R2016-1195, CSFA 64.061 and CSFA 64.069), revises the contract amount from \$1,090,010 to \$1,204,811 which is inclusive of the \$933,840 allocation received in the previous grant periods and \$270,971 allocated for the current grant period. Amendment 10 reduces the Rape Crisis Trust Fund Award from \$58,456 to \$57,575 due to a reduction in funds allocated from the Department of Health and provides additional General Revenue (GR+) funding in the amount of \$115,682 effective September 1, 2022 for staff salaries and benefits. Amendment 10 also requires a Monthly Expenditure Report to report GR+ expenditures on a monthly basis to verify that funds are spent on allowable costs. These contracts will continue to fund two Victim Advocates and one Victim Services Project Coordinator. The Project Coordinator specializes in follow up care for victims of sexual assault and provides services such as organizing comprehensive medical follow up and other supportive services as needed. All other provisions in the contract are still in effect and are to be performed at the level specified in the contract. If grant-funding ceases, the positions associated with these contracts will be deleted from the DVS complement. R2006-0095 authorized the County Administrator or designee to execute FCASV grant contracts on behalf of the County. **No County matching funds are required.** Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to approve:

A) Amendment 5 for subcontract 18SAS26 with the Florida Council Against Sexual Violence (FCASV) to provide sexual assault services increasing the total subcontract amount by \$94,926 for the period of August 1, 2022 through July 31, 2023; and

B) a budget amendment in the amount of \$77,203 in the Public Safety Grants Fund to adjust the budget to the actual grant award.

SUMMARY: This is year five of a Sexual Assault Services Program Formula Grant (CFDA#16.017) that was awarded by FCASV to the Palm Beach County Division of Victim Services (PBCDVS) to support and provide sexual assault services to primary and secondary victims. Amendment 5 to contract #18SAS26 (R2018-1038) revises the total contract amount to \$498,979, which is inclusive of the \$99,654 allocation received in Grant Year (GY) 18, \$103,135 allocation in GY19, \$106,338 allocation in GY20, \$94,926 allocation in GY21 and \$94,926 allocation in GY22. This amendment provides continued funding to the County for one full time Victim Advocate position to increase intervention, advocacy, accompaniment and support services to adult, youth, and child victims of sexual assault and those collaterally impacted by the victimization. Emphasis is on the lesbian, gay, bi-sexual, transgender and queer communities. If grant funding ceases, the position associated with this grant will be deleted from the PBCDVS complement. **No County matching funds are required.** Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. Staff recommends motion to receive and file: agreements with two governmental agencies for the reimbursement of Emergency Medical Services (EMS) grant funding for medical equipment:

1. City of Delray Beach; and

2. City of Riviera Beach

SUMMARY: Palm Beach County (County) was awarded \$138,411 (CSFA #64.005) during the FY 2021-22 grant cycle from the State of Florida Department of Health, EMS Bureau, to improve and expand EMS systems. The grant funding may be used by the County or municipal agencies to purchase EMS equipment. Accordingly, the County has agreed to reimburse the following municipalities: The City of Delray Beach for the purchase of Advanced Airway Training for 100 Officers not to exceed the amount of \$10,500.00 and the City of Riviera Beach for the purchase of upgrade equipment for their existing 7 LifePak 15s not to exceed the amount of \$18,055.95. Agreements with seven other governmental agencies for a total of \$73,985.80 were approved on October 4, 2022 (R2022-1130 through R2022-1136). In addition, \$25,414.64 is allocated to Palm Beach County Fire Rescue and \$6,840.70 will be used to purchase AEDs for Countywide facilities. The remaining \$3,613.91 is due to a change in the amount budgeted for the City of Riviera Beach and the final agreement. A separate item will receive and file the grant change request. Any remaining unspent balance will roll over into the new grant cycle. On August 13, 2013, the County Administrator or designee was authorized to execute these standard agreements between the County and various governmental and non-governmental agencies and make non-substantive and ministerial changes on behalf of the Board of County Commissioners after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. **No County matching funds are required.** Countywide (SB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to receive and file: the third amendment to contract for Consulting/Professional Services with Phamatech, Inc. (R2020-1393) extending the contract through September 30, 2023, for a not-to-exceed contract amount of \$30,000. **SUMMARY:** On September 15, 2020, the County issued a one-year contract for the period September 15, 2020, through September 30, 2021, in the amount of \$116,000 with Phamatech, Inc. (R2020-1393) to provide drug testing services to approximately 15-20 indigent pretrial defendants per week who are on supervised release and are subject to court-ordered random testing. The first amendment (R2021-0449) incorporated an eight-panel screen, bringing the unit rate from \$35 to \$35.75. The second amendment (R2022-0215) extended the contract through September 30, 2022, for a not-to-exceed contract amount of \$58,000. The third amendment extends the contract for one more year for a not to exceed contract amount of \$30,000 through September 30, 2023. The Phamatech contract is funded by the MacArthur Safety and Justice Challenge grant, which was extended to September 30, 2023 to expend all of the grant funds. R2022-0215 authorized the County Administrator or designee to execute amendments and administrative documents associated with the above contracts, on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. Countywide (SF)
6. Staff recommends motion to receive and file: the following executed agreements to collaborate as partners for the placement of mental health counseling student interns for the period September 1, 2022 through August 31, 2027 unless terminated earlier, and with no financial obligation.

A) Affiliation Agreement with Palm Beach Atlantic University, Inc. (PBA); and

B) Agreement with Florida Atlantic University (FAU).

SUMMARY: These agreements formalize the cooperative arrangements between PBA, FAU and Palm Beach County (PBC) for the development and implementation of the practicum and internship program for mental health counseling students. It outlines the respective duties, responsibilities, policies, and procedures that will be undertaken by PBA and FAU and PBC. PBA and FAU will only refer to PBC students that have completed the required prerequisites for the internship. PBC will provide a training program and training facilities, designate a supervisor, ensure students receive the required service hours, and evaluate performance by completing evaluations for each semester. PBC, PBA and FAU will each be responsible for their own costs. R2018-0314 and R2018-0315 authorized the County Administrator or designee to execute future agreements relating to internship programs with universities on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office and within budgeted allocations. Countywide (RS)

3. CONSENT AGENDA APPROVAL

CC. SHERIFF

1. Staff recommends motion to:

A) receive and file Grant Modification 1 to the FY21 State Homeland Security Subgrant Agreement with the State of Florida, Division of Emergency Management to provide supplemental funds in the amount of \$462,317 for the Palm Beach County Sheriff's Office; and

B) approve a budget amendment in the amount of \$462,317 in the Sheriff's Grant Fund.

SUMMARY: On March 22, 2022, the Board of County Commissioners approved a grant award from the State of Florida, Division of Emergency Management in the amount of \$763,240 for the period of January 18, 2022 through March 31, 2023 to support various domestic security initiatives (R2022-0254). This modification will increase grant funds by \$462,317, which brings the grant award total to \$1,225,557. These additional funds will be used to support a statewide law enforcement data sharing system administered by the Florida Department of Law Enforcement. **There is no match associated with this award.** The Catalog of Federal Domestic Assistance Number for this program is 97.067 and the contract number is R0515. Countywide (RS)

3. CONSENT AGENDA APPROVAL

DD. OFFICE OF RESILIENCE

1. Staff recommends motion to approve: an indemnification agreement between Petros PACE Administrator, LLC, (Petros PACE), as an Administrator of Florida Green Finance Authority, and Palm Beach County, Florida. **SUMMARY:** The Board of County Commissioners (BCC) has authorized a County Property Assessed Clean Energy (PACE) program for third parties to provide funding for energy efficiency, renewable energy, and wind resistant improvements for residential and commercial properties by levying non-ad valorem assessments on property owner tax bills. The County enters into interlocal agreements (ILAs) with multiple PACE agencies/authorities/districts (Districts) for them to provide the financing for qualifying improvements. Districts are then required to obtain indemnification agreements from all third-party administrators, whom the Districts use to execute PACE financing. In the ILA between Palm Beach County and the Florida Green Finance Authority (FGFA) district (R2017-1103), the BCC authorized the County Administrator or designee to execute such indemnification agreements with subsequent administrators of FGFA. The BCC then rescinded such delegated authority at the September 10, 2019 BCC meeting. The Office of Resilience is bringing forth this item because FGFA seeks to add Petros PACE as a PACE third-party administrator for commercial projects, thus requiring an indemnification agreement. This indemnification agreement acknowledges that Petros PACE is a third-party administrator for FGFA and that Petros PACE agrees to indemnify and hold the County harmless as Petros PACE assists FGFA. Countywide (RM)

3. CONSENT AGENDA APPROVAL

EE. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to receive and file: a fully executed Palm Beach County FY23 Category “B” Grant Agreement with Loggerhead Marinelife Center, Inc., totaling \$226,234 and managed by the Cultural Council of Palm Beach County, Inc., d.b.a. as Cultural Council for Palm Beach County (Cultural Council) for the promotion/marketing of cultural events (Grant). This Grant was approved by the Tourist Development Council (TDC) on October 13, 2022, for the term October 13, 2022 – September 30, 2023. **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. On June 7, 1994, the Board of County Commissioners adopted Resolution (R94-702) authorizing the County Administrator and/or the Executive Director of the TDC to enter into grant agreements with Category “B” grantees after they have been approved by the TDC. Cultural organizations with operating budgets of \$1.175 million or more are eligible for Category “B” funding. After completing an application for funding, the organizations and their programs are reviewed by a grant panel, which recommends funding levels. The County previously approved 21 Category “B” grants for FY2023 (R2022-1317 through 1337), the Grant was not among them due to programming issues. At the request of the Cultural Council, the TDC set funding for this Grant aside pending correction of those issues. In October, members of the Center’s Board of Directors and the new CEO/President presented to the TDC about the improvements made to the Center, the reestablishment of programs and resolution of all pending issues. A request was made by the Cultural Council to approve the Grant. The TDC approved the Grant at the October 13, 2022, TDC meeting. This Grant will fund events, which will promote/market cultural tourism in Palm Beach County. District 1 (YBH)

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4. SPECIAL PRESENTATIONS – 9:30 A.M.

- A)** Certificate of Recognition to Friends of the Mounts Botanical Garden (District 2)
- B)** Proclamation declaring December 12, 2022 as the Center for Arts & Innovation Day in Palm Beach County (District 5)
- C)** Proclamation declaring December 1, 2022 as World AIDS Day in Palm Beach County (District 7)
- ~~**D)** Certificate of Recognition presented to Loucia Lynch for earning the Palm Tran Connection Operator of the Year award from the Florida Commission for the Transportation Disadvantaged (District 5)~~
- E)** Proclamation declaring December 2022 as Impaired Driving Awareness Month in Palm Beach County (District 7)
- F)** Proclamation declaring December 6, 2022 as Ellen Jacoby Day in Palm Beach County (District 5)
- G)** Proclamation declaring December 2022 as Palm Beach County Disability Employment Awareness Month in Palm Beach County (District 4)

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5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to concur: with the appointment by the State Surgeon General of Jyothi Gunta, MD, MPH, as the Director of the Palm Beach County Health Department. **SUMMARY:** Pursuant to Section 154.04(1)(b), Florida Statutes, the Board of County Commissioners must concur with the State Surgeon General's appointment of the County Health Department Director. Dr. Gunta will replace Dr. Alina Alonso effective upon her retirement on February 28, 2023. Dr. Gunta is expected to officially be appointed as Director on March 1, 2023. Countywide (HH)

B. OFFICE OF RESILIENCE

1. Staff recommends motion to:
 - A) adopt** the Southeast Florida Regional Climate Change Compact (Compact) Regional Climate Action Plan (RCAP) 3.0;
 - B) authorize** the County Administrator to implement RCAP 3.0 where appropriate and practicable; and
 - C) authorize** any member of the Palm Beach County Board of County Commissioners (BCC) or staff to sign a pledge signifying BCC support for regional collaboration, action on climate change, and RCAP 3.0 at the upcoming 14th Annual Southeast Florida Regional Climate Leadership Summit (Summit).

SUMMARY: RCAP 3.0 will be the latest update to the Compact RCAP, a catalogue of adaptation and mitigation strategies for addressing sea level rise and other climate change issues. RCAP 3.0 is intended to be a framework for actions that can be implemented by local governments and other organizations within the four-County Compact region. The original RCAP was adopted by the BCC in 2014 and updated in 2017. RCAP 3.0 has been developed through the Compact with significant input from local stakeholders. The language of RCAP 3.0 has been finalized, and graphic design should be complete before the upcoming Summit, to be held on December 8 and 9, 2022. At the Summit, the Compact will ask local elected officials and stakeholders to sign a pledge supporting the Compact and the goals of RCAP 3.0. Approval of this item will constitute formal adoption of RCAP 3.0 by the County, and will authorize any member of the BCC or staff to join other regional elected officials and stakeholders in pledging support for the Compact, climate action, and the RCAP. Countywide (RM)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff request Board direction: regarding a potential text amendment to the County's Comprehensive Plan to allow for the development of the Brookside property in light of the restrictions that currently encumber the same. **SUMMARY:** On November 15, 2022, the Board of County Commissioners (Board) directed Staff to provide a report on the history regarding the County's acquisition of the Brookside property and the required actions to, and potential consequences of, proceed with a text amendment to the County's Comprehensive Plan (Comp Plan) to allow for development of the real estate holding. The Brookside property was originally acquired by the County in 2003 as part of the Agricultural Reserve Acquisition program. The property was sold in 2006, without development rights and with restrictions for conservation, agricultural and equestrian uses. If the Board were to initiate a text amendment to the Comp Plan in December 2022, the process would result in the item being considered by the Planning Commissions in Fall 2023, with transmittal hearing by the Board in November 1, 2023 and an adoption hearing by the Board in February 2024. (FDO Admin) Countywide (HJF)

5. REGULAR AGENDA

D. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) a budget transfer of \$1,580,000 in the General Fund from Contingency Reserves to the County Transportation Trust Fund; and

B) a budget amendment of \$1,580,000 in the County Transportation Trust Fund to recognize the transfer and appropriate it to Streetscape Section Contractual Services.

SUMMARY: There are four contracts, which cover the maintenance of various landscaped thoroughfare medians throughout Palm Beach County. The costs have increased with the rebidding of the annual contracts by 178% over the previous contracts. The average cost per cut increased from \$5,535 to \$18,135. Our past annual maintenance contract vendors have chosen not to renew existing contracts or have terminated their contracts early, citing increased costs, labor shortages, and difficult working environment. As such, all four contracts have been rebid this year. The maintenance contracts include regular mowing service, yearly fertilizer and mulching application, and spraying treatments, as needed. In addition, tree-trimming services are also covered in the budget line item. There is not sufficient funding to cover the annual contracts at the current level of service of 16 cuts per year. In order to continue at the same level of service, a budget transfer of \$800,000 is necessary for FY 2023. It is recommended to increase the number of cuts each year to protect the integrity and improve the overall appearance of our landscaped thoroughfare medians. Mowing performed at the correct height and frequency is essential to the health and density of the grass. Issues with the current level of service have resulted in unsightly appearance to County roadways; loss of grass quality due to infrequent mowing and proliferation of weed seed dispersal; excessive wear and damage to vendor equipment; increase in trash accumulation; and excessive discharge of grass clippings that negatively impacts the existing turf and storm drainage systems (flooding and water quality). For comparison, other County Departments provide annual grounds maintenance service events as follows: Parks and Recreation - 24 cuts/year; Facilities Development and Operations - 27 cuts/year; Library - 35 cuts/year; and Water Utilities - 50 cuts/year. A budget transfer of \$1,580,000 is necessary for FY 2023 in order to increase the level of service to 24 cuts annually. Countywide (YBH)

5. REGULAR AGENDA

E. OFFICE OF COMMUNITY REVITALIZATION

1. Staff recommends motion to:

A) approve the following agreements (FY 2023 NEAT Grant Agreements) to implement various community improvement projects and initiatives through the Office of Community Revitalization's (OCR) Neighborhood Engagement and Transformation (NEAT) Grants Program for a total of \$98,000:

1. an agreement with The Busch Wildlife Sanctuary, Inc. in an amount not-to-exceed \$10,000 for a demonstration garden project to benefit homeowners in eligible Countywide Community Revitalization Team (CCRT) areas;
2. an agreement with Limestone Creek Advocates, Inc. in an amount not-to-exceed \$10,000 for a neighborhood emergency project to acquire portable, life-saving devices and training;
3. an agreement with Michael Mayweathers, an individual representing the Limestone Creek community, in an amount not-to-exceed \$10,000 for a memorial wall project to commemorate those residents buried in unmarked historical graves in one of the oldest burial grounds in Palm Beach County;
4. an agreement with Student Aces, Inc. in an amount not-to-exceed \$10,000 for a butterfly garden project to address behavioral health issues for students in the Glades;
5. an agreement with The Glades Initiative, Inc. in an amount not-to-exceed \$8,000 for a resource guide project to provide residents with an array of available resources and information on how to access needed services in the Glades region;
6. an agreement with the City of Pahokee in an amount not-to-exceed \$20,000, \$10,000 for the MLK park repair project and \$10,000 for a splash pad repair project;
7. an agreement with Paint Your Heart Out Palm Beach County, Inc. in an amount not-to-exceed \$20,000, \$10,000 for a painting project and \$10,000 for a home beautification project for qualified homes in CCRT neighborhoods; and
8. an agreement with Rebuilding Together of the Palm Beaches, Inc. in an amount not-to-exceed \$10,000 for critical home repairs for low-income homeowners in CCRT neighborhoods;

5. REGULAR AGENDA

E. OFFICE OF COMMUNITY REVITALIZATION (Cont'd)

1. (Cont'd)

B) delegate authority to the County Administrator or designee to approve minor changes to the scope of work of the FY 2023 NEAT Grant Agreements that do not increase the awarded grant funding or change the scope of work or the overall intent of the program; and

C) approve revisions to the NEAT Grants Program and application.

SUMMARY: The NEAT Grants Program, established by the Board of County Commissioners (BCC) on March 13, 2018, provides funding to neighborhood-based groups and/or organizations for projects that improve the quality of life in their communities. This agenda item includes eight agreements for the recommended ten projects for this year's cycle. The projects will be completed in FY 2023 and include a variety of activities. Staff is requesting BCC approval of the agreements and related funding, as well as the delegation of authority to the County Administrator or designee to approve minor changes to the scope of work. Additionally, staff is requesting the BCC to approve the following revisions to the NEAT Grants Program: 1) limit funding to projects located only within designated CCRT areas and the Glades region, including the municipalities of Belle Glade, South Bay and Pahokee; 2) clarify who and what types of organizations are eligible to apply; and 3) add infrastructure and resiliency type of projects as eligible activities under the program. These revisions are intended to clarify the program guidelines and eligibility requirements, focus County funding on areas which are under OCR's purview, and allow for critical neighborhood improvements. OCR staff is recommending approval of the revisions to the program. Countywide (RS)

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff requests Board direction: on the County's six Strategic Priorities. **SUMMARY:** Staff presented on the County's six Strategic Priorities on November 22, 2022. The presentations focused on inter-departmental collaborations to address needs and progress on work completed in relation to the individual strategic priorities and how they coordinate with the County's Mission and Vision. Further discussion on the current Strategic Priorities was requested by the Board to determine if the current Strategic Priorities shall remain in place or be updated. The priorities are as follows: Economic Development, Housing and Homelessness, Environmental Protection, Infrastructure, Public Safety, and Substance Use and Behavior Disorders. Countywide (DB)

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5. REGULAR AGENDA

G. AIRPORTS

1. **ADD-ON: Staff recommends motion to approve:** Corrective Action Plan (CAP) required by Federal Aviation Administration (FAA), Final Agency Decision (FAD) in *Forman v. Palm Beach County*, FAA Docket No. 16-17-13 for submission to the FAA for approval, providing for a commitment by the County to the repeal of 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); removal of notations referring to the Jet Restriction from aviation facility records; continued suspension of enforcement of the Jet Restriction pending approval of the CAP by the FAA; notification to interested parties of the suspension of enforcement of the Jet Restriction; and completion of the Part 150 Noise Compatibility Study, including submission of a forecast to the FAA with the anticipated volume of jet operations. **SUMMARY:** On January 13, 2021, the FAA issued a FAD determining the Jet Restriction was adopted in violation of the Airport Noise and Capacity Act (ANCA) and the County's federal grant obligations. The FAA ordered the County to submit a CAP within 60 days, which must, subject to FAA approval, permit immediate access to jet aircraft capable of using the Lantana Airport's existing runways, and, within 180 days, provide a formal, legal commitment to rescind or not enforce the Jet Restriction. On February 9, 2021, the Board directed the County Attorney to file a petition for review with the U.S. Court of Appeals and suspended enforcement of the Jet Restriction pending review. On November 18, 2022, the U.S. Court of Appeals issued an opinion denying the County and City of Atlantis' (City) joint petition for review. As a result, the County remains in violation of federal law and its grant assurance obligations, risking further enforcement action by the FAA. Currently, the FAA will not act on any applications submitted by the County for general aviation Airport Improvement Program (AIP) entitlement funds; discretionary AIP grants; or grants created by the Bipartisan Infrastructure Law, including the County's allocated funding under Airport Infrastructure Grant program and discretionary grants under the Airport Terminal Program for any airport within the County's Airport System, including the Palm Beach International Airport (PBI). If the County does not submit a CAP acceptable to the FAA, the FAA may take additional enforcement action, including terminating the County's eligibility for primary airport entitlement funds under the AIP and the County's Passenger Facility Charge collection authority for PBI. Submission of the CAP to the FAA is required to restore the County's compliance with federal law and grant assurance obligations and is strongly recommended by both the County's outside legal counsel and County Attorney's office. The CAP provides the County will adopt a resolution repealing the Jet Restriction in accordance with Florida law (FL Stat. 332.08(2)); remove of notations referring the Jet Restriction in aviation facility records; notify Errol Forman (Complainant) that he may operate his jet aircraft at the Lantana Airport; notify the City that the County is unable to continue to enforce the Jet Restriction as set forth in the Interlocal Governmental Agreement for Lantana Airport (Interlocal) (R91-324D); and complete the County's LNA Part 150 Noise Compatibility Study (R2019-1687), including the submission of a forecast of aircraft activity to the FAA with the anticipated volume jet operations and conducting a public meeting regarding the forecast. Countywide (AH)

6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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7. 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 (DC)

B. COUNTY ATTORNEY

DECEMBER 6, 2022

8. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER DAVE KERNER

District 4 – COMMISSIONER MARCI WOODWARD

District 5 - COMMISSIONER MARIA SACHS

District 6 - COMMISSIONER SARA BAXTER

District 7 – COMMISSIONER MACK BERNARD

DECEMBER 6, 2022

9. MATTERS BY THE PUBLIC – 2:00 P.M.

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DECEMBER 6, 2022

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."