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RESOLUTION NO. AC2012-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF ACME IMPROVEMENT DISTRICT, FLORIDA, APPROVING A REVISION REQUESTED BY PALM BEACH COUNTY AND APPROVAL BY THE BOYS AND GIRLS CLUB OF PALM BEACH COUNTY TO THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN ACME IMPROVEMENT DISTRICT, PALM BEACH COUNTY AND THE BOYS AND GIRLS CLUB OF PALM BEACH COUNTY, INC FOR FUNDING OF THE WELLINGTON FACILITY CONSTRUCTION AND AUTHORIZING THE PRESIDENT AND BOARD SECRETARY TO EXECUTE THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 3, 2010 the Acme Improvement District (ACME) Board of Supervisors approved Resolution No. AC2010-07 to revise the tri-party funding agreement between the parties to account for a change in the location of the facility and extensions in design and construction time associated with the project; and

WHEREAS, the County, following passage of Resolution No. AC2010-07 requested further modification relating to payment for the Inspection General services and a First Amendment to the Agreement was entered into on November 16, 2010 and approved with Resolution No AC2010-11; and

WHEREAS, ACME has requested that County extend the Project start and completion dates to accommodate additional time needed to complete the bid process, and Staff has determined that the Project date should be extended; and

WHEREAS, the change in the project timeline also requires that Project completion milestones in the first Amendment be modified; and

WHEREAS, a revised Second Amendment to the Agreement has been prepared and is attached hereto as Exhibit "A"; and

WHEREAS the Staff recommends that the Board of Supervisors approve the revised Second Amendment to facilitate funding and construction of the new Boys and Girls Club Facility in Wellington; and

NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL ACTING AS THE ACME IMPROVEMENT DISTRICT BOARD OF SUPERVISORS that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified as being true and correct.

1 **SECTION 2.** The Board of Supervisors hereby approves the Second
2 Amendment to the Agreement between Palm Beach County, ACME Improvement
3 District, and Boys and Girls Club of Palm Beach County, Inc. for extension of the Project
4 completion date to accommodate additional time that was needed to complete the bid
5 process, and staff has determined that the Project date should be extended until
6 October 20, 2013; and
7

8 **SECTION 3.** This Resolution shall become effective immediately upon adoption.
9

10 **PASSED AND ADOPTED** this 24th day of April, 2012.
11

12 **ATTEST:**

13 **ACME IMPROVEMENT DISTRICT**

14
15 By: Awilda Rodriguez
16 Awilda Rodriguez, Board Secretary
17

18 By: Bob Margolis
19 Bob Margolis, President
20

21 **APPROVED AS TO FORM
22 AND LEGAL SUFFICIENCY**

23 By: Jeffrey S. Kurtz
24 Jeffrey S. Kurtz, Board Attorney
25

R 2012 0837

SECOND AMENDMENT TO ~~INTERLOCAL~~ AGREEMENT WITH ACME IMPROVEMENT
DISTRICT AND BOYS AND GIRLS CLUBS OF PALM BEACH COUNTY, INC. FOR FUNDING
OF THE WELLINGTON FACILITY CONSTRUCTION

JUN 05 2012

THIS SECOND AMENDMENT TO AGREEMENT is entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", Acme Improvement, District, a dependent district of the Village of Wellington, hereinafter referred to as "DISTRICT", and Boys and Girls Clubs of Palm Beach County, Inc., a Florida not-for-profit corporation authorized to do business in the State of Florida, hereinafter referred to as "AGENCY".

WITNESSETH:

WHEREAS, on October 21, 2008, COUNTY entered into an Agreement with DISTRICT and AGENCY (R-2008-1922) as amended on November 16, 2010 (R-2010-1909) to provide funding in an amount not-to-exceed \$600,000 for construction of a new Wellington Boys and Girls Clubs Facility (the Project) to be completed on or before the amended Project Completion date of October 20, 2012; and

WHEREAS, AGENCY has requested that COUNTY extend the Project completion date a second time to accommodate additional time that was needed to complete the bid process, and staff has determined that the Project date should be extended until October 20, 2013; and

WHEREAS, the change in the project timeline also requires that Project completion milestones in the first Amendment be modified; and

WHEREAS, both parties desire to amend the Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. Sections 2.04 and 2.05 of the Agreement shall be deleted and the following Sections 2.04 and 2.05 shall be inserted:

Section 2.04 AGENCY shall award the bid for construction of the Project and commence Project construction no later than April 30, 2012. Prior to AGENCY commencing construction of the Project, AGENCY shall provide a copy of all plans and specifications, along with the associated costs thereof, to COUNTY's Representative for review to ensure consistency with the intent of this Interlocal Agreement.

Section 2.05 AGENCY shall totally complete the Project and open same to the public for its intended use on or before October 20, 2013.

2. Article 8 of the Agreement shall be deleted and the following Article 8 shall be inserted:

ARTICLE 8. TERMINATION FOR NON-COMPLIANCE

Upon occurrence of one or more of the following events set forth below, COUNTY may find AGENCY in non-compliance and shall use any and all rights and remedies to this ~~Interlocal~~ Agreement as indicated in Article 9 for non-compliance by AGENCY in the performance of any of the terms and conditions as set forth herein:

1. Failure to award the bid for construction of the Project and commence Project Construction no later than April 30, 2012.
2. Failure to totally complete the Project and open same to the public for its intended use by October 20, 2013.

3. Failure in the performance of any of the material terms and conditions as set forth herein.

3. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

ATTEST:

SHARON R. BOCK, Clerk &
Comptroller

By: [Signature]

Deputy Clerk

WITNESSES:

[Signature]
Wallington Clerk

WITNESSES:

[Signature]
[Signature]

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
AGENCY Attorney

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]

DISTRICT Attorney

R 2012 08 37 JUN 05 2012

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY COMMISSIONERS

By: [Signature]

Shelley Vana, Chair

Steven L. Abrams

ACME IMPROVEMENT DISTRICT

By: [Signature]

Name: (Type or Print)

President

[Signature]
Signature

BOYS AND GIRLS CLUBS OF PALM BEACH
COUNTY, INC.
FEI/EIN # 23-7060561

By: [Signature]
Name: (Type or Print)

President & CEO

[Signature]
Signature

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: [Signature]

COUNTY Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: [Signature]

Eric Call, Director
Parks and Recreation Department



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/4/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mark Edward Partners LLC 505 Park Ave. New York NY 10022		CONTACT NAME: Lindsay Lanzetta PHONE (A/C No. Ext.): (212) 813-8475 FAX (A/C No.): (212) 813-8085 E-MAIL: ldl@markedwardpartners.com ADDRESS: 1dl@markedwardpartners.com	
INSURED Boys & Girls Clubs of Palm Beach County, Inc. 800 Northpoint Parkway Suite 204 West Palm Beach FL 33407		INSURER(S) AFFORDING COVERAGE INSURER A: Markel Insurance Company NAIC # 38970 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES		CERTIFICATE NUMBER: CL1231900918		REVISION NUMBER:		
INSR LTR	TYPE OF INSURANCE	ADOL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X	8502cy341398-1	7/1/2011	7/1/2012	MED EXP (Any one person) \$ 10,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 3,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PRODUCTS - COM/OP AGG \$ 3,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS					
	<input type="checkbox"/> NON-OWNED AUTOS					
A	<input checked="" type="checkbox"/> UMBRELLA LIAB					EACH OCCURRENCE \$ 10,000,000
	<input type="checkbox"/> EXCESS LIAB					AGGREGATE \$ 10,000,000
	<input type="checkbox"/> DEO <input checked="" type="checkbox"/> RETENTION \$ 10,000	X	4602CY341399-1	7/1/2011	7/1/2012	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A			E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The Palm Beach County has been included as an additional insured as its interest may appear.

CERTIFICATE HOLDER

Palm Beach County Board of
County Commissioners
2700 6th Avenue South
Lake Worth, FL 33461

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

MEP/LDL

Mark Edward Partners LLC

ACORD 25 (2010/05)
INSR25 (2010/05) 01

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/8/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Mark Edward Partners LLC 505 Park Ave. New York NY 10022	CONTACT NAME: Barry Zimberg PHONE (A/C No. Ext): (212) 355-5005 FAX (A/C No.): (212) 355-5077 E-MAIL: bjz@markedwardpartners.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Zenith Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F: NAIC # 13269
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COVERAGES CERTIFICATE NUMBER: CL125801098 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/OP AGG \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					EACH OCCURRENCE \$ AGGREGATE \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$	X				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	2070727502	5/19/2011	5/19/2012	X WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
This certificate provides evidence of coverage only.

CERTIFICATE HOLDER

Palm Beach County Board of
County Commissioners
2700 6th Avenue South
Lake Worth, FL 33461

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

MEP/DDL

Mark Edward Partners LLC

ACORD 25 (2010/05)

INS025 (201005) 01

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/22/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Mark Edward Partners LLC 505 Park Ave. New York NY 10022	CONTACT NAME: Lindsay Lanzetta PHONE (A/C No. Ext): (212) 813-8475 FAX (A/C No.): (212) 813-8085 E-MAIL: ldl@markedwardpartners.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Zenith Insurance Company Inc. NAIC # 13269 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Boys & Girls Clubs of Palm Beach County, Inc. 800 Northpoint Parkway Suite 204 West Palm Beach FL 33407	

COVERAGES		CERTIFICATE NUMBER: CL125220115		REVISION NUMBER:		
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR CENTL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$	X				EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	2070727503	5/19/2012	5/19/2013	WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E L EACH ACCIDENT \$ 500,000 E L DISEASE - EA EMPLOYEE \$ 500,000 E L DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
This certificate provides evidence of coverage only.

CERTIFICATE HOLDER	CANCELLATION
Palm Beach County Board of County Commissioners 2700 6th Avenue South Lake Worth, FL 33461	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE MEP/LDL Mark Edward Partners LLC

ACORD 25 (2010/05)

INS025 (2010/05) 01

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