

RESOLUTION NO. 06-02-12

**A RESOLUTION OF THE TOWN COMMISSION OF  
THE TOWN OF LAKE PARK, FLORIDA  
AUTHORIZING AMENDMENT 001 TO THE  
AGREEMENT BETWEEN THE TOWN OF LAKE PARK  
AND PALM BEACH COUNTY, EXTENDING THE TIME  
OF PERFORMANCE ASSOCIATED WITH THE  
COMPLETION OF THE BERT BOSTROM PARK  
BALLFIELD ADA COMPLIANT RESTROOM PROJECT**

**WHEREAS**, The Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town of Lake Park is an eligible entitlement community with a signed Interlocal Agreement with Palm Beach County; and

**WHEREAS**, the project falls under two of the three categories of eligible activities as defined by HUD, in as much as the Ballfields ADA Compliant Restroom Project will:

- (1) benefit low and moderate income persons;
- (2) promote activities to prevent slum or blight on an area designated as such by the County or the State.

**WHEREAS**, the Town entered into an agreement with Palm Beach County on April 5, 2011, whereby Palm Beach County would provide Community Development Block Grant funds to the Town for the construction of ADA compliant restrooms at the Bert Bostrom Park Ballfields; and

**WHEREAS**, both the Town and Palm Beach County wish to modify the Agreement to extend the time of performance; and

**WHEREAS**, both the Town and Palm Beach County agree that the original Agreement entered into on April 5, 2011 be amended to change the time of performance as identified in AMENDMENT 001 TO THE AGREEMENT WITH TOWN OF LAKE PARK as prepared by the Palm Beach County Department of Housing and Community Development.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Commission of the Town of Lake Park, Florida:

**SECTION 1.** The Town Commission authorizes and directs the Mayor to accept the AMENDMENT 001 TO THE AGREEMENT to change the time of performance to complete the ADA compliant restrooms at the Bert Bostrom Park Ballfields.

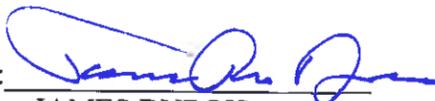
**SECTION 2.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Vice-Mayor Rumsey  
who moved its adoption. The motion was seconded by Commissioner Stevens  
and upon being put to a roll call vote, the vote was as follows:

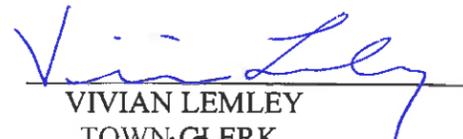
	AYE	NAY
MAYOR JAMES DUBOIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KENDALL RUMSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER STEVEN HOCKMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER JEANINE LONGTIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMMISSIONER TIM STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Town Commission thereupon declared the foregoing Resolution NO. 06-02-12  
duly passed and adopted this 1 day of February, 2012.

TOWN OF LAKE PARK, FLORIDA

BY:   
JAMES DUBOIS  
MAYOR

ATTEST:

  
VIVIAN LEMLEY  
TOWN CLERK  
TOWN OF LAKE PARK  
(TOWN SEAL)  
FLORIDA

Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY

**AMENDMENT 001 TO THE AGREEMENT  
WITH  
TOWN OF LAKE PARK**

Amendment 001 entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between Palm Beach County and Town of Lake Park.

**W I T N E S S E T H:**

WHEREAS, Palm Beach County entered into an Agreement (R2011-0507) with the Town of Lake Park, on April 5, 2011, to provide \$53,377 of Community Development Block Grant (CDBG) funds for the renovation of its facility; and

WHEREAS, both parties wish to modify the Agreement to extend the time of performance, and

WHEREAS, both parties mutually agree that the original Agreement entered into on April 5, 2011, is hereby amended as follows:

**A. Part III – Section 1 MAXIMUM COMPENSATION**

Replace "March 31, 2012" with "November 30, 2012".

**B. Part III – Section 2 TIME OF PERFORMANCE**

Replace "March 31, 2012" with "November 30, 2012".

**C. Exhibit "A" – WORK PROGRAM NARRATIVE – Section I.H. WORK SCHEDULE**

Delete the contents of this section and replace with the following:

**H. MONTHLY PERFORMANCE REQUIREMENTS:** The time frame for completion of the outlined activities shall be as follows:

Start Construction by:	May 31, 2012
Complete Construction by:	September 16, 2012
Submit Final Reimbursement Request by:	October 10, 2012

This Agreement may be amended to decrease and/or recapture grant funds from the Agency depending upon the timely completion of the Monthly Performance Benchmarks, as determined by HCD.

The Municipality agrees that it may be subject to decrease and/or recapture of project funds by the County if the Monthly Performance Benchmarks herein are not met. **Failure by the Municipality to comply with these Performance Benchmarks may negatively impact ability to receive future grant awards.**

**The Municipality further agrees that HCD, in consultation with any parties it deems necessary, shall be the final arbiter of the Agency's compliance with the above.**

NOW THEREFORE, 1) all items in the previous Agreement in conflict with this Amendment shall be and are hereby changed to conform to this Amendment, and 2) all provisions not in conflict with this aforementioned Amendment are still in effect and shall be performed at the same level as specified in the Agreement.

(MUNICIPALITY SEAL BELOW)  
TOWN OF LAKE PARK  
FLORIDA

**TOWN OF LAKE PARK**

By: James DuBois  
James DuBois, Mayor

TOWN OF LAKE PARK  
SEAL  
By: Vivian M. Lemley  
Vivian Mendez Lemley, Town Clerk

FLORIDA  
By: [Signature]  
Attorney for Municipality  
(Signature Optional)

(COUNTY SEAL BELOW)

**PALM BEACH COUNTY, FLORIDA, a  
Political Subdivision of the State of Florida  
BOARD OF COUNTY  
COMMISSIONERS**

ATTEST: Sharon R. Bock,  
Clerk & Comptroller

By: \_\_\_\_\_  
Shelley Vana, Chair  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

Document No.: \_\_\_\_\_

Approved as to Form and  
Legal Sufficiency

Approved as to Terms and Conditions  
Dept. of Housing and Community  
Development

By: \_\_\_\_\_  
Tammy K. Fields  
Senior Assistant County Attorney

By: \_\_\_\_\_  
Journey Beard, Director  
Contract Development and Quality Control