

RESOLUTION NO. 16-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO INTERLOCAL AGREEMENT R2016-0999 BETWEEN THE TOWN OF PALM BEACH AND PALM BEACH COUNTY FOR LONG-TERM OPERATION AND MAINTENANCE OF THE SAND TRANSFER PLANT.

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WHEREAS, Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969” authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority that such agencies share in common and that each might exercise separately; and

WHEREAS, pursuant to Chapter 125.01, Florida Statutes, the Board of County Commissioners is empowered to establish and administer programs of beach erosion control and to enter into agreements with other governmental agencies within or outside the boundaries of the County for joint performance, or performance of one unit on behalf of the other, of any of either governmental entity’s authorized functions; and

WHEREAS, pursuant to Chapter 166, Florida Statutes, the Town is empowered to exercise any governmental, corporate, and proprietary power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the County and the Town entered into Interlocal Agreements on July 19, 1994 (R 94-907D), as subsequently amended, and August 16, 1994 (R 94-1053D), which addressed temporary and long term solutions associated with Lake Worth Inlet Sand Transfer Plant; and

WHEREAS, the County and the Town entered into an Interlocal Agreement on October 3, 2006 (R2006-2118), which superseded and terminated the prior Interlocal Agreements executed in 1994 (R 94-907D and R 94-2053D) and provided for cooperative management of the Sand Transfer Plant and such Agreement expires on September 30, 2016; and

WHEREAS, the County and the Town entered into an Interlocal Agreement on August 16, 2016 (R2016-0999), which superseded and terminated the prior Interlocal Agreement executed in 2006 (R2006-2118) and provided for cooperative management of the Sand Transfer Plant and such Agreement expires on September 30, 2035; and

WHEREAS, the County and the Town intend to make the most efficient use of their powers by continuing to cooperate with each other with regard to the sand bypassing at the Lake Worth Inlet; and

WHEREAS, the County and the Town desire to establish their respective roles with respect to the Lake Worth Inlet Sand Transfer Plant, to make the most efficient use of their respective resources; and

WHEREAS, the County and the Town wish to amend the Interlocal Agreement executed on August 16, 2016 (R2016-0999).

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Mayor is hereby authorized to execute a First Amendment to Interlocal Agreement R2016-0999 between the Town of Palm Beach and Palm Beach County for long-term operation and maintenance of the Lake Worth Inlet Sand Transfer Plant, copy of said agreement attached hereto.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of April 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk