

RESOLUTION 64-08-26

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE REVISED AMENDMENT 002 TO CAPITAL IMPROVEMENT AGREEMENT (R2025-0815) WITH PALM BEACH COUNTY FOR THE KELSEY PARK SPLASH PAD PROJECT; ACKNOWLEDGING COUNTY-REQUIRED PROVISIONS CONCERNING AVAILABILITY OF FUNDS AND PROHIBITION AGAINST USING DIVERSITY, EQUITY AND INCLUSION MATERIAL; CONFIRMING ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AND REVISED PROJECT PERFORMANCE REQUIREMENTS; SUPERSEDING THE PRIOR AUTHORIZATION TO EXECUTE AN EARLIER FORM OF AMENDMENT 002; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (Town) is a municipal corporation of the State of Florida, with the powers and authority conferred by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Palm Beach County (County) and the Town entered into Capital Improvement Agreement R2025-0815 (Agreement) on May 7, 2025, to provide \$400,916.00 in Community Development Block Grant (CDBG) funding for the design and construction of an outdoor splash pad at Kelsey Park, located at 701 Lake Shore Drive, Lake Park, Florida; and

WHEREAS, the Agreement was subsequently amended through Amendment 001 (R2025-1567) on September 8, 2025; and

WHEREAS, on August 5, 2026, the Town Commission adopted Resolution 58-08-26 authorizing Amendment 002 based upon the form of the amendment then provided to the Town by the County; and

WHEREAS, on August 6, 2026, the County notified the Town that County Legal had revised Amendment 002 and required the Town to replace the previously provided form with the revised form before execution; and

WHEREAS, the revised Amendment 002 continues to provide an additional \$37,209.00 in FY 2026-2027 CDBG funding, increasing the maximum and total CDBG funding under the Agreement from \$400,916.00 to \$438,125.00; and

WHEREAS, the revised Amendment 002 adds Item 42, Availability of Funds, providing that the County's obligations for subsequent fiscal years are contingent upon annual appropriations and continued receipt of applicable Federal, State, or local funding and requiring repayment of funds disbursed if the applicable funding sources are terminated or reclaimed; and

WHEREAS, the revised Amendment 002 adds Item 43, Prohibition Against Using Diversity, Equity and Inclusion Material - F.S. 287.139, under which the Town certifies that County funds will not be used to require its employees, contractors, volunteers, vendors, or agents to ascribe to, study, or be instructed using materials relating to diversity, equity, and inclusion as defined by Florida law; and

WHEREAS, the revised Amendment 002 establishes the following performance requirements: award construction contracts by December 31, 2026; request 50% of CDBG funds by July 31, 2027; complete construction by October 31, 2027; request final reimbursement by November 30, 2027; and expire the Agreement on December 31, 2027; and

WHEREAS, because the revised Amendment 002 contains contractual obligations and certifications not contained in the form previously approved, the Town Commission desires to expressly approve the revised Amendment 002 and authorize its execution in place of the previously authorized form; and

WHEREAS, the Town Manager has recommended that approval and execution of the revised Amendment 002 is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Approval and Authorization. The Town Commission hereby approves the revised Amendment 002 to Capital Improvement Agreement R2025-0815 with Palm Beach County, in substantially the form attached to this Resolution, and authorizes and directs the Mayor to execute the revised Amendment 002 on behalf of the Town.

Section 3. Superseding Prior Form. To the extent Resolution 58-08-26 authorized execution of the earlier form of Amendment 002, that authorization is superseded by this Resolution. The Mayor is authorized to execute the revised Amendment 002 approved herein rather than the earlier form.

Section 4. Project Direction. Approval of the revised Amendment 002 is limited to the grant agreement and does not independently modify prior Town Commission direction concerning the Kelsey Park Splash Pad Project except as expressly set forth in the revised Amendment 002.

Section 5. Effective Date. This Resolution shall take effect immediately upon its execution.