



20 N. Swinton Avenue
Delray Beach, FL 33444

Agenda Item #
September 22, 2016

7E

~ CRA BOARD SUMMARY ~

FIRST AMENDMENT TO FUNDING AGREEMENT FOR ECONOMIC DEVELOPMENT POSITIONS- DELRAY BEACH CRA and CITY OF DELRAY BEACH

In FY 2015-16, the City and CRA entered into an agreement for funding of the Economic Development positions (Economic Development Director and Economic Development Manager). The Agreement renewed and updated the expiring Interlocal Funding Agreement to: 1) maintain the 50/50 funding of salaries and benefits for both positions and; 2) add funding for miscellaneous expenses associated with the positions including, but not limited to, office supplies, professional development and marketing.

The term of the Agreement was for a one (1) year period, commencing on October 1, 2015, and subject to the respective budget restrictions and approvals by the CRA and the City. The Agreement stipulates that the Agreement may be extended for a one (1) year period if approved by the City and the CRA through the execution of a written amendment.

The attached amendment to the Funding Agreement with the City amends Section 7 of the Original Agreement in its entirety to read as follows:

"The term of this Agreement shall commence October 1, 2016 and terminate on September 30, 2017. However, it shall automatically renew on an annual basis provided that funding for the position is set forth in the City and CRA budgets, and those budgets are approved. Either party may cancel the agreement if it provides written notice to the other party, at least 30 days prior to renewal, of its intent to cancel the agreement."

Recommended Action:

Approve the First Amendment to the Agreement between the CRA and City for funding of Economic Development positions for FY 2016-17.

Submitted By: Yuberca Pena, Contract Manager

Attachment(s): First Amendment to funding Agreement for Economic Development Positions - FY 2016-17

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**FIRST AMENDMENT TO THE FUNDING AGREEMENT
BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH
COMMUNITY REDEVELOPMENT AGENCY**

THIS FIRST AMENDMENT TO THE FUNDING AGREEMENT (the "First Amendment"), is made and entered into as of this ____ day of _____, 2016, by and between the **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, (hereinafter referred to as the "CRA"), and the **CITY OF DELRAY BEACH**, (hereinafter referred to as the "CITY").

WITNESSETH:

WHEREAS, on April 27, 2016, the Parties entered into a one-year Agreement (the "Original Agreement") for funding employee positions dedicated to economic development, within the City's Community Redevelopment Area and the City of Delray Beach as a whole; and

WHEREAS, Section 7 of the Original Agreement provides for the ability of the Parties to extend the Original Agreement for one year periods; and

WHEREAS, the current term is due to expire on September 30, 2016; and

WHEREAS, the Parties desire to enter into this First Amendment in order amend the Original Agreement in order to clarify the ability of the parties to renew and terminate the Original Agreement, as amended.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, the parties agree as follows:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified as being true and correct, and incorporated herein.

SECTION 2. Section 7 of the Original Agreement is amended in its entirety to read as follows:

7. The term of this Agreement shall commence October 1, 2016 and terminate on September 30, 2017. However, it shall automatically renew on an annual basis provided that funding for the position is set forth in the **CITY** and **CRA** budgets, and those budgets are approved. Either party may cancel the agreement if it provides written notice to the other party, at least 30 days prior to renewal, of its intent to cancel the agreement.

SECTION 3. The Parties agree that in all other respects the Original Agreement, except as amended by this First Amendment, shall remain in full force and effect, except as specifically modified herein.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Agreement on the date first written above

ATTEST: CITY OF DELRAY BEACH, FLORIDA

City Clerk

By: _____
Cary Glickstein, Mayor

Approved as to Form:

City Attorney

DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY

By: _____
Reginald A. Cox, chair

ATTEST:

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this ____ day of _____ 2016, by _____, as _____ (name of officer or agent, title of officer or agent), of _____ (name of corporation acknowledging), a _____ (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this ____ day of _____, 2016.

Notary Public – State of Florida

My Commission Expires