

Interoffice Memorandum



APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 05 2014 CAS/KH

AGENDA ITEM

July 23, 2014

TO: Mayor Teresa Jacobs
and
Board of County Commissioners

THRU: Lonnie C. Bell, Jr., Director
Family Services Department

FROM: Sonya Hill, Acting Manager
Family Services Department
Head Start Division

Contact: Khadija Pirzadeh, (407) 836-8912
Sonya Hill, (407)836-7409

Lonnie C. Bell Jr.
Sonya Hill

SUBJECT: School Board of Orange County, Florida and Orange County, Florida
Tenth Amendment to Facility and Land Use Agreement
BCC Meeting 8/5/14 Consent Agenda/All Districts

The Head Start Division requests Board approval of the Tenth Amendment to Facility and Land Use Agreement between the School Board and Orange County. The Orange County Board of County Commissioners approved the original Facility and Land Use Agreement on December 18, 2007 and the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Amendments to Facility and Land Use Agreement dated June 10, 2008, November 11, 2008, March 16, 2010, October 5, 2010, January 25, 2011, November 15, 2011, October 16, 2012, January 29, 2013 and October 8, 2013 respectively. The County Attorney's Office and Risk Management Division have reviewed this amendment in accordance with legal and County policy guidelines.

Head Start provides comprehensive early childhood development for preschool children and support to their families at the following public schools: Aloma, Englewood, Grand Avenue, Lake Weston, Orlando Tech, Maxey and Tangelo Park. The purposes of the Tenth Amendment to Facility and Land Use Agreement are as follows: 1) to delete two modular classrooms at Lake Weston and 2) add four permanent classrooms and space for offices at the Early Learning and Prekindergarten Center and one permanent classroom at Evans High School and 3) revise payments for janitorial and maintenance services. The total compensation for the Facility and Land Use Agreement shall not exceed \$1,260.60 for the two-month period. Head Start grant funds will be used to cover expenses.

ACTION REQUESTED: Approval of School Board of Orange County, Florida and Orange County, Florida Tenth Amendment to Facility and Land Use Agreement for four additional permanent classrooms and space for offices at Early Learning and Prekindergarten Center and one additional permanent classroom at Evans High School.

SH/kp
Attachments

C: George A. Ralls, M.D., Acting Deputy County Administrator
Wanzo Galloway, Assistant County Attorney, County Attorney's Office
John Petrelli, Manager, Risk Management Division
Yolanda Brown, Manager, Fiscal Division, Family Services Department
Jamillem Clemens, Grants Supervisor, Finance Division
Patria Morales, Grants Coordinator, Office of Management & Budget

APPROVED
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SCHOOL BOARD OF ORANGE COUNTY, FLORIDA
AND
ORANGE COUNTY, FLORIDA

TENTH AMENDMENT
TO
FACILITY AND LAND USE AGREEMENT

THIS TENTH AMENDMENT TO FACILITY AND LAND USE AGREEMENT ("Tenth Amendment") is made and entered into this 1st Day of August 2014, by and between the School Board of Orange County, a public body corporate existing under the Constitution and laws of the State of Florida ("Agency"), and Orange County, Florida, a charter county and political subdivision of the State of Florida, ("County").

WHEREAS, the Agency and County entered into that certain Facility and Land Use Agreement approved by the Board of County Commissioners (BCC) on December 18, 2007, as amended by that certain First Amendment to Facility and Land Use Agreement approved by the Board of County Commissioners on June 10, 2008, Second Amendment to Facility and Land Use Agreement approved by the BCC on November 11, 2008, Third Amendment to Facility and Land Use Agreement approved by the BCC on April 6, 2010, Fourth Amendment to Facility and Land Use Agreement approved by the BCC on October 5, 2010, Fifth Amendment to Facility and Land Use Agreement approved by BCC January 25, 2011, Sixth Amendment to Facility and Land Use Agreement approved by the BCC November 15, 2011, Seventh Amendment to Facility and Land Use Agreement approved by BCC October 16, 2012 and Eight Amendment to Facility and Land Use Agreement approved by BCC January 29, 2013 and Ninth Amendment to Facility and Land Use Agreement approved by BCC October 8, 2013 (collectively the "Agreement") pursuant to which the County leases approximately 22,864 square feet of land (excluding parking) for portable classrooms, offices, bathrooms, space for storage, and 12,350 square feet of playground space on public elementary school property located at Aloma, Englewood, Grand Avenue, Lake Weston, Maxey and Tangelo Park Elementary Schools; additionally the County leases from the Agency one (1) permanent classroom consisting of approximately 1,176 square feet of classroom space, office, kitchen, bathroom, storage space and 4,608 playground space at Orlando Tech, an adult education center, hereinafter collectively referred to as the "Leased Premises"; and

WHEREAS, the Agency and County affirm that the County is now in possession of the Leased Premises and that the County is not in default as to any of the terms and conditions of the Agreement; and

WHEREAS, the Agency and County hereby confirm and ratify, except as modified below, all of the terms, conditions and covenants in the Facility and Land Use Agreement.

WHEREAS, the term of the Facility and Land Use Agreement extension is set to expire on September 30, 2014.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained the Agency and County hereby agree to amend Section 1, entitled "Premises", Section 3, entitled "Term" and Section 4, entitled "Payments" of the Facility and Land Use Agreement, as set forth herein:

Section 1(a). Premises. Delete Lake Weston Elementary School from the list of designated schools. This will reduce the number of portable classrooms from 17 to 15. Head Start children will be relocated to permanent classrooms at the newly constructed Early Learning and Prekindergarten Center and Evans High School.

Add the following to subsection (a): The Agency hereby grants the County the use of four (4) permanent classrooms and area for offices, consisting of approximately 8,075 square feet of space, bathroom, space for storage and approximately 5,000 square feet of playground space for use from 7:30 A.M. to 5:30PM, Monday through Friday. The classroom and playground are located at Early Learning and Prekindergarten Center, 2500 Bruton Blvd, Orlando, Florida.

Add the following to subsection (a): The Agency hereby grants the County use of one (1) permanent classroom, consisting of approximately 1,950 square feet of classroom space, office, kitchen, bathroom, space for storage and approximately 945 square feet of playground space for use from 7:30 AM to 5:30 PM, Monday through Friday. The classroom and playground are located at Evans High School, 4949 Silver Star Road, Orlando, Florida.

Section 3: Term, shall be deleted and replace as follows:

- (a) The terms of this Agreement shall extend commencing on August 1, 2014 (“Commencement Date”) and expiring on September 30, 2014 (“Termination Date”).

Section 4. Payments, shall be deleted and replaced with the following:

- (a) The Agency shall provide permanent classroom space, and furnish all electricity, janitorial and maintenance and administrative services for each of the five permanent classrooms. There will be no cost for electricity and administrative fees. The total pro-rated monthly cost, which includes janitorial and maintenance services, to the County by the Agency shall not exceed \$1,206.60 for the two-month period.
- (b) The Agency shall invoice the County for janitorial and maintenance services \$1,206.60 for the pro-rated cost of operating five (4) permanent classrooms and space for three (3) offices at Early Learning Prekindergarten Center and one permanent classroom at Evans High School from August 18, 2014 through September 30, 2014.
- (c) The County shall pay the Agency for the pro-rated services described above no later than November 15, 2014.

Except as modified therein above, all other terms and conditions of the Agreement remain unchanged and in full force and effect.

WITNESS WHEREOF, the Agency and County have caused this Tenth Amendment to Facility and Land Use Agreement to be executed by their respective officers and parties thereunto duly authorized on the date last written below.

SCHOOL BOARD OF ORANGE COUNTY, FLORIDA

By: Joe Cadle, Board Member
for Bill Sublette, Chairman

Date: 7/29/14

Attest: [Signature]
By: Barbara Jenkins, Superintendent
Date: 7/29/14

Approved as to form and legality by the Office of Legal Services to the Orange County School Board on: 7/29/14 Signature: [Signature]
Print Name: Eileen D. Fernandez



ORANGE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Teresa Jacobs, Orange County Mayor
Date: 8.5.14

Attest:
Martha O. Hayne, Orange County Comptroller
As Clerk of the Board of County Commissioners

By: [Signature]
Deputy Clerk
Date: AUG 05 2014