

**RESOLUTION NUMBER \_\_\_\_ -20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA ADOPTING A REASONABLE APPLICATION FEE FOR SUBMISSION OF AN UNSOLICITED PUBLIC PRIVATE PARTNERSHIP PROPOSAL PURSUANT TO SECTION 255.065, FLORIDA STATUTES AND ANY SUBSEQUENT SOLICITED PROPOSALS BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the State Legislature has adopted Section 255.065, Florida Statutes regarding public-private partnerships; and

**WHEREAS**, Section 255.065, Florida Statutes, authorizes a municipality to establish a reasonable application fee for the submission of an unsolicited proposal under Section 255.065, Florida Statutes; and

**WHEREAS**, Section 255.065, Florida Statutes, requires the City to provide notice and solicit other proposals if the City intends to enter into an agreement associated with the unsolicited proposal; and

**WHEREAS**, the City Council finds that the application and other related fees set forth in this Resolution serve a valid public purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA that:**

**SECTION 1.** Pursuant to Section 255.065(3)(a), Florida Statutes, the City Council hereby adopts application fees for the submission to the City of Riviera Beach of unsolicited and solicited public-private partnership proposals under Section 255.065, Florida Statutes, and consistent with any public-private partnership ordinance adopted by the City.

- 1) *Fees.* The application fee for unsolicited and solicited proposals will be in the amount of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), and shall be paid in the form of a cashier's check or other noncancelable instrument. Personal checks will not be accepted. The application fee shall be submitted with the application, for unsolicited proposals; or, the fee shall be submitted with the response to a solicited public private partnership as developed by the City

Manager, or designee.

2) *Use of Fees.* The application fees submitted by the private entity proposer shall be used by the City Manager, or his designee, to review and evaluate the unsolicited or solicited proposal. The fees may be used to seek a financial review and analysis from outside consultants or advisors, a project feasibility study from outside consultants or advisors, and/or services provided by outside advisors or consultants as attorneys, architects, and engineers, and such other reviews or analysis as needed, to determine whether to:

- a. recommend the unsolicited proposal be published seeking solicitations; or,
- b. enter into a comprehensive agreement with a private entity resulting from an unsolicited or solicited proposal.

3) *Additional Fees.* If the above initial application fee does not cover the City's costs to evaluate an unsolicited or solicited proposal, the City Manager must request in writing the additional amounts the City Manager deems reasonably necessary to fully evaluate the unsolicited or solicited proposal. The private entity must remit the requested additional amounts within 30 days of receipt of the request for additional fees or the City Manager may stop the review of the unsolicited proposal or solicited proposal and recommend rejection to the City Council.

**SECTION 2.** *Refund of Unused Fees.* Within thirty (30) days of receipt of any unsolicited proposal, the City Manager may elect to not evaluate the unsolicited proposal, in which case the City must return the application fee to the offeror. Furthermore, the City shall refund any portion of the application fee or subsequent application fee collected which are in excess of the costs of evaluating an unsolicited or solicited proposal, advertising and negotiating the contract, after the

evaluation and/or negotiation is complete.

**SECTION 3.** This resolution shall take effect immediately upon its passage and approval by the City Council.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_  
**RONNIE L. FELDER**  
**MAYOR**

\_\_\_\_\_  
**JULIA A. BOTEL, Ed.D.**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**CLAUDENE L. ANTHONY, CMC**  
**CITY CLERK**

\_\_\_\_\_  
**DOUGLAS A. LAWSON**  
**CHAIR PRO TEM**

\_\_\_\_\_  
**TRADRICK MCCOY**  
**COUNCILPERSON**

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**COUNCILPERSON**

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**SHIRLEY D. LANIER**  
**COUNCILPERSON**

**MOTIONED BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**J. BOTEL:** \_\_\_\_\_

**D. LAWSON:** \_\_\_\_\_

**T. McCOY:** \_\_\_\_\_

**K. MILLER-ANDERSON:** \_\_\_\_\_

**S. LANIER:** \_\_\_\_\_