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**Title:** MOTION TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY CHAMBER EDUCATION FUND, INC. FOR CONTINUATION OF THE BUS SHELTER PROGRAM FOR TWO YEARS.

**Sponsors:** City Manager Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. MOU Ig rev 5-16-24, 3. Exhibit A to 2024 Bus Shelter MOU w-DCEF, 4. Simple Legal Review Bus Shelter MOU 5-16-24

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Jeffrey L. Oris, CEcD, Assistant City Manager  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 4, 2024

MOTION TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY CHAMBER EDUCATION FUND, INC. FOR CONTINUATION OF THE BUS SHELTER PROGRAM FOR TWO YEARS.

**Recommended Action:**

Motion to approve the Memorandum of Understanding between the City of Delray Beach and the Delray Chamber Education Fund, Inc. for continuation of the Bus Shelter Program for two years.

**Background:**

On May 4, 2021 the City of Delray Beach approved a Memorandum of Understanding (MOU) with the Delray Chamber Education Fund, Inc. (DCEF) which allowed for the DCEF to solicit businesses and other interested parties to sponsor the wrapping of artwork on designated bus shelters within the City. The MOU outlined certain conditions of the artwork and that each shall contain the name and location of a school and name and logo of the sponsor. The MOU dictated that fund remaining after the payment of direct expenses for the wrap will be utilized by DCEF for grant funding to benefit certain public schools located within the City. Further, the MOU designated 18 bus shelter locations that could be wrapped as part of this program. The term of the MOU was set at one-year with the option to renew for two additional one-year terms.

On March 21, 2022, the City approved Amendment #1 to the MOU which provided for the first one year renewal of the MOU thereby extending the program to May 3, 2023. Subsequently, at the City Commission's November 1, 2022, the Commission adopted Amendment #2 to the MOU which authorized the parties to "swap" out shelters listed in the original MOU with other City-owned

shelters (as determined by City staff) as long as the total number available for the program did not exceed 18.

Amendment #3 to the MOU was adopted by the City Commission at their April 4, 2023 meeting. As the DCEF had been able to find sponsors for all 18 allowable bus shelters and still had interest from potential sponsors, Amendment #3 increased the number of bus shelters that could be wrapped as part of the program from 18 to 30. Amendment #3 also authorized the second available one-year renewal of the MOU when then expired on May 2, 2024. It was also noted at the April 3, 2023 meeting that Palm Tran has plans to replace a number of bus shelters in Delray Beach over the next few years. Several of the DCEF-wrapped shelters were on this list, and DCEF acknowledged these shelters would have to be taken out of the program if and when Palm Tran proceeded with their replacements. It should be noted that to this date (over a year later), the City is unaware of any shelters that have yet been replaced by Palm Tran.

The original MOU and its two, one-year renewals have now been exhausted. The DCEF has requested to continue the program as it has been able to provide \$28,000 (after direct expenses) which has been disbursed by the DCEF in equal amounts of \$3,500 to each of the 8 public schools in Delray Beach through 2 of the initial 3 years of the program. It is anticipated another \$26,170 raised during the program's third year will be disbursed during this summer's DCEF Education Breakfast. A new MOU, which provides for the program to continue for another two years (no renewals are built into the new MOU), has been prepared for consideration under this item. It includes by reference and attachment the original MOU and the subsequent Amendments to ensure the program is maintained in its current form and with the current requirements thus, resulting in the same anticipated results.

**City Attorney Review:**

City Attorney approves the MOU as to form and legally sufficiency.

**Funding Source/Financial Impact:**

There is no financial impact to the City.

**Timing of Request:**

The existing MOU with DCEF expired on May 2, 2024.