

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X
 Budget Account No: Fund 4100 Department 120 Unit various Object 4460
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Permitee will be required to remit \$.05 per gallon dispensed, payable to the County. The Department estimates minimal revenues will be received under the Non-Commercial Self-Service Fueling Permit.

C. Departmental Fiscal Review: CM Sumner

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] 9-13-06
 OFMB CN
 9/11/06
[Signature] 9-12-06
 09/11/06
[Signature] 9/14/06
 Contract Dev. and Control
 Jones 9/14/06

B. Legal Sufficiency:

Laura Bube
 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. R-2006-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY AIRPORT RULES AND REGULATIONS, APPENDIX B, PALM BEACH COUNTY CODE (RESOLUTION NO. R-98-220, AS AMENDED BY RESOLUTION NOS. R-2003-0160 AND R-2004-0890); PROVIDING FOR DEFINITIONS; PROVIDING FOR SELF-SERVICE FUELING REGULATIONS; PROVIDING FOR PROMULGATION; PROVIDING FOR CAPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Palm Beach County, through its Department of Airports, owns and operates Palm Beach International Airport, Palm Beach County Park Airport, Palm Beach County Glades Airport, and the North County General Aviation Airport; and

WHEREAS, Section 332.08(2)(b), Florida Statutes, provides that where a county operates one or more airports, its regulation for the government thereof shall be by resolution of the Board of County Commissioners, shall be recorded in the Minutes of the Board and promulgated by posting a copy at the courthouse and at each such airport for four (4) consecutive weeks or by publication once a week in a newspaper published in the county for the same time period; and

WHEREAS, the Board of County Commissioners of Palm Beach County adopted the Palm Beach County Airport Rules and Regulations pursuant to Resolution 98-220, as amended by Resolution Nos. 2003-0890 and 2004-0890 (the "Palm Beach County Airport Rules and Regulations"); and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to amend the Palm Beach County Airport Rules and Regulations to provide regulations for self-service fueling activities on the County's airports.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Definitions.

Appendix B, Article I, Section 1-1 of the Palm Beach County Code is hereby amended to include the following definition:

- (ccc) "Self-Service Fueling" means the fueling of an aircraft by the owner of the aircraft or the owner's employee. For purposes of this definition, an owner is a person who holds legal title to an aircraft or a person who leases an aircraft and exercises exclusive control over the aircraft.

Section 2. Self-Service Fueling Regulations.

Appendix B, Article III, Section 3-20 of the Palm Beach County Code is hereby created to read:

3-20. Self-Service Fueling.

- (a) No person shall engage in any fueling operations on any Airport without a valid permit issued by the Department or agreement with the County authorizing such activity.
- (b) Self-service fueling operations shall only be conducted on an Airport in locations designated by the Department for self-service fueling.
- (c) Non-commercial Self-Service Fueling permittees shall not: (i) sell fuel to any other person on any Airport; or (ii) dispense fuel to any aircraft that is not owned by the permittee or leased to and under the exclusive control of the permittee.
- (d) In addition to any other remedies available at law, the Director may suspend or revoke any permit issued pursuant to this Section for failure to comply with the requirements of this Section or any conditions of the permit. Failure to comply with the terms and conditions of any permit issued pursuant to this Section shall be considered a violation of these Rules and Regulations.

Section 3. Promulgation of Rules and Regulations.

In accordance with the requirements of Section 332.08(2)(b), Florida Statutes, the Board of County Commissioners hereby directs: (i) the Clerk of the Board to record a copy of this Resolution in the Minutes of the Board; and (ii) the Department of Airports to post a copy of this Resolution at the Palm Beach County Courthouse and every County-operated airport for four (4) consecutive weeks commencing on the date of adoption of this Resolution. An affidavit, in form attached hereto as Exhibit "A", shall be filed with the Board of County Commissioners upon satisfaction of the aforementioned posting requirements.

Section 4. Captions.

The captions, section headings, and section designations used in this Resolution are for convenience only and shall have no effect on the interpretation of the provisions of this Resolution.

Section 5. Severability.

If any section, paragraph, sentence clause or word of this Resolution is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

Section 6. Inclusion in the Code of Laws and Ordinances.

The provisions of this Resolution shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of the Resolution may be renumbered or relettered to accomplish such, and the word "resolution" may be changed to "section", "article", or other appropriate word.

Section 7. Effective Date.

This Resolution shall be effective immediately upon compliance with the requirements of Section 3 of this Resolution.

The foregoing Resolution was offered by Commissioner, who moved its adoption. The motion was seconded by Commissioner, and upon being put to a vote, the vote was as follows:

- COMMISSIONER TONY MASILOTTI, CHAIRMAN -
- COMMISSIONER ADDIE L. GREENE, VICE CHAIRPERSON -
- COMMISSIONER BURT AARONSON -
- COMMISSIONER JEFF KOONS -
- COMMISSIONER KAREN T. MARCUS -
- COMMISSIONER MARY MCCARTY -
- COMMISSIONER WARREN H. NEWELL -

Then the Chair thereupon declared this Resolution duly passed and adopted this ____ day of _____, 20__.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Laura Beke
County Attorney

Effective Date: _____, 2006

EXHIBIT "A"
FORM OF AFFIDAVIT

AFFIDAVIT OF POSTING

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, _____, being duly sworn, certify that the following statements are true:

1. That I am the _____ of the Palm Beach County Department of Airports.

2. That as the _____ of the Palm Beach Department of Airports, I posted a copy of Resolution 2006-_____ of the Palm Beach County Board of County Commissioners, which is attached hereto and incorporated herein as Exhibit "A", at the Palm Beach County Courthouse and every airport operated by Palm Beach County for four (4) consecutive weeks beginning on _____, 200_, in accordance with Resolution 2006-_____ and Section 332.08(2)(b), Florida Statutes.

3. Under penalties of perjury, I declare that I have read the foregoing affidavit and the facts stated in it are true.

DATED this _____ day of _____, 20__.

AFFIANT

Sworn to and subscribed before me this _____ day of _____, 20__ by _____, who is personally known to me or who has produced _____ as identification.

Notary Public

Print

My Commission Expires: _____

RESOLUTION NO. R-2006-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; APPROVING A STANDARD FORM NON-COMMERCIAL SELF-SERVICE FUELING PERMIT; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE THE STANDARD FORM NON-COMMERCIAL SELF-SERVICE FUELING PERMIT ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County, by and through its Department of Airports, owns and operates the North County General Aviation Airport, Palm Beach County Glades Airport, and Palm Beach County Park Airport; and

WHEREAS, the delegation to the County Administrator or his designee of the authority to execute the standard form Permits will eliminate delays caused by requiring such items to be brought before the Board of County Commissioners for approval and would therefore be consistent with the goal of the Board of County Commissioners to streamline the agenda process; and

WHEREAS, the Board of County Commissioners desires to authorize the County Administrator or his designee to execute a standard form Non-Commercial Self Service Fueling Permit on behalf of the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.
2. The Board of County Commissioners hereby: (i) approves the standard form Non-Commercial Self-Service Fueling Permit, attached hereto and incorporated herein as Attachment "A" (the "Permit"); and (ii) authorizes the County Administrator or his designee to execute, on behalf of the Board of County Commissioners, the Permit.
3. It is the intention of the Board of County Commissioners that this delegation of signature authority is strictly limited to the parameters set forth herein. In the event there is any deviation from the approved standard terms and conditions of the Permit, which would constitute discretion of the County Administrator or his designee relative thereto, then the approval of the Board of County Commissioners shall be required. The County Administrator's designee hereunder shall include the Director of the Department of Airports.
4. If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

5. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner, who moved its adoption. The motion was seconded by Commissioner, and upon being put to a vote, the vote was as follows:

COMMISSIONER TONY MASILOTTI, CHAIRMAN -
COMMISSIONER ADDIE L. GREENE, VICE CHAIRPERSON -
COMMISSIONER BURT AARONSON -
COMMISSIONER JEFF KOONS -
COMMISSIONER KAREN T. MARCUS -
COMMISSIONER MARY MCCARTY -
COMMISSIONER WARREN H. NEWELL -

Then the Chair thereupon declared the resolution duly passed and adopted this ____ day of _____, 2006.

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

Sharon R. Bock, Clerk & Comptroller, Palm Beach County

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: Anna Bebe
County Attorney

ATTACHMENT "A"
NON-COMMERCIAL SELF FUELING PERMIT

PALM BEACH COUNTY DEPARTMENT OF AIRPORTS

GENERAL AVIATION AIRPORT
NON-COMMERCIAL SELF-SERVICE FUELING PERMIT

[complete legal name of company], a [corp., part., sole prop.] organized under the laws of the State of [address, city, state] having its office and principal place of business at (the "PERMITTEE") is

issued this Non-Commercial Self-Service Fueling Permit (this "Permit") by the Palm Beach County Department of Airports (the "DEPARTMENT"), an administrative department of Palm Beach County, Florida, a political subdivision of the State of Florida (the "COUNTY").

This Permit is issued for the following airport (the "Airport"):

- North Palm Beach County General Aviation Airport
Palm Beach County Glades Airport
Palm Beach County Park Airport

1. Term. The term of this Permit shall be for a period of one (1) year commencing on the ___ day of ___, 20__ (the "Commencement Date") and terminating on the ___ day of ___, 20__. This Permit shall be automatically renewed at one year intervals thereafter upon the expiration of the then current term; provided that PERMITTEE has paid all Permit fees, this Permit has not been terminated by either party, PERMITTEE has not been provided a notice of non-renewal, and PERMITTEE is not in violation of any Permit terms and conditions. This Permit shall not be effective until signed by the Director of DEPARTMENT, on behalf of COUNTY, and by PERMITTEE (the "Effective Date").

2. Self-Service Fueling of Aircraft. Subject to the terms, conditions and limitations of this Permit, DEPARTMENT hereby grants PERMITTEE the non-exclusive right to fuel aircraft, which are owned by PERMITTEE or leased to and under the exclusive control of PERMITTEE ("Self-Service Fuel" or "Self-Service Fueling") within those locations on the Airport designated for Self-Service Fueling by DEPARTMENT. PERMITTEE hereby warrants and represents to COUNTY that the aircraft identified below are either owned by or leased to and under the exclusive control of PERMITTEE. Prior to the Effective Date of this Permit, PERMITTEE shall submit evidence of ownership and/or lease of the aircraft identified below (the "Aircraft").

Table with 4 columns: Aircraft #1, Aircraft #2, Aircraft #3, Aircraft #4. Rows include Aircraft Registration Number, Aircraft Make, and Aircraft Model.

Self-Service Fueling of Aircraft shall only be performed in the specific areas designated by DEPARTMENT for Self-Service Fueling. PERMITTEE acknowledges and agrees that PERMITTEE received a depiction of the Airport specifically identifying the designated locations for Self-Service Fueling prior to executing this Permit. DEPARTMENT may relocate the areas designated for Self-Service Fueling or, in its sole discretion, temporarily restrict PERMITTEE's right to Self-Service Fuel in the event of an emergency or for safety and/or environmental considerations. In the event Self-Service Fueling is restricted, PERMITTEE agrees that COUNTY shall not be liable for, and PERMITTEE hereby waives, any claims for lost profits, economic losses or other consequential damages PERMITTEE may have against COUNTY.

3. Permit and other Fees. PERMITTEE shall pay a non-refundable Permit fee of Five Hundred Dollars (\$500.00) per year. PERMITTEE shall pay the Permit fee to COUNTY prior to the Effective Date of this Permit, and prior to the commencement of any renewal period. PERMITTEE's failure to submit the Permit fee prior to the commencement of any renewal period shall result in the automatic revocation of this Permit upon the expiration of the then current term. COUNTY may establish, modify or increase the fees and charges applicable to Self-Service Fueling on the Airport from time to time, including fees and charges payable under this Permit. DEPARTMENT shall provide prior written notice to PERMITTEE of the establishment, modification or increase to fees and charges payable hereunder, and this Permit shall be deemed to be automatically amended to include such fees without formal amendment hereto. PERMITTEE shall pay fuel flowage fees, if established for the Airport, to DEPARTMENT on or before the 10th day of each and every month, which shall be based on the number of gallons of fuel delivered to PERMITTEE's fuel storage equipment and aircraft during the preceding calendar month. PERMITTEE acknowledges and agrees that failure to pay such fees or charges shall be considered a violation of this Permit and, in addition to any other remedy available to COUNTY, shall be grounds for immediate revocation of this Permit by DEPARTMENT. All fees and charges paid by PERMITTEE hereunder shall be non-refundable. All fees and charges shall be made payable to the Palm Beach County Board of Commissioners and shall be mailed or hand delivered to the following address:

Department of Airports
Fiscal Department
846 Palm Beach International Airport
West Palm Beach, FL 33406-1470