

II. FISCAL IMPACT ANALYSIS

A. **Five Year Summary of Fiscal Impact:**

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No

Budget Account No.: Fund 1300 Dept 440 Unit VARIOUS Object VARIOUS

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

There is no additional fiscal impact with the approval of this item. Properties within the newly created municipal boundaries were previously included in the Fire-Rescue MSTU as unincorporated Palm Beach County.

C. **Departmental Fiscal Review:** John White

III. REVIEW COMMENTS

A. **OFMB Fiscal and/or Contract Dev. and Control Comments:**

Elizabeth Cross 8/1/07
 PO 7/30/07 OFMB 7/26/07
 8/1/07

Devin J. Proctor 8/2/07
 Contract Dev. and Control

B. **Legal Sufficiency:**

This item complies with current County policies.

Shawn Burrow 8/16/07
 Assistant County Attorney

C. **Other Department Review:**

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 26-51, PARAGRAPH (b), OF CHAPTER 26, ARTICLE II, DIVISION 3, PALM BEACH COUNTY CODE (CODIFYING ORDINANCE NO. 2005-064); RECOGNIZING THE INCLUSION OF THE TOWN OF LOXAHATCHEE GROVES WITHIN THE BOUNDARIES OF THE FIRE/RESCUE MSTU (MUNICIPAL SERVICE TAXING UNIT); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR EFFECTIVENESS.

WHEREAS, Chapter 26, Article II, Division 3, of the Palm Beach County Code, in accordance with the authority set forth in Section 125.01(1)(q) and (r), Florida Statutes, established municipal service taxing units (MSTUs) to provide fire protection, fire-rescue, advanced life support (or similar emergency services), code enforcement, and other services necessary and incidental to the purpose for which the MSTUs were created; and

WHEREAS, the "Fire/Rescue MSTU" encompasses unincorporated areas of Palm Beach County and areas within the municipal boundaries of municipalities that have joined the MSTU as provided by law; and

WHEREAS, Chapter 2006-328, Laws of Florida, established the Charter of the Town of Loxahatchee Groves and created the Town of Loxahatchee Groves (hereinafter the "Town"); and

WHEREAS, Section 11(1) of Chapter 2006-328, Laws of Florida, authorized the continuation of the Fire/Rescue MSTU within the newly formed Town until the Town adopts an ordinance to the contrary. Section 11(1) further provided that the Town shall not establish a town fire department without a referendum; and

WHEREAS, in accordance with Section 11(1) of Chapter 2006-328, Laws of Florida, the Board of County Commissioners desires to amend Section 26-51(b) of the Palm Beach County Code to formally recognize the inclusion of the Town of Loxahatchee Groves within the boundaries of the Fire/Rescue MSTU.

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

Section 1. Section 26-51, paragraph (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code is hereby amended as follows:

“(b) The boundaries of the Fire/Rescue MSTU shall be as follows:

Beginning at the water’s edge of the Atlantic Ocean and the Southern line of Palm Beach County; thence

- (1) Westerly along the South line of Palm Beach County to the Southwest corner of Section 30, Township 47 South, Range 41 East; thence
- (2) Northerly along the West line of said section 30 and the West line of Section 19, Township 47 South, Range 41 East to the intersection with the Easterly right-of-way line of South Florida Water Management District Levee L-40; thence
- (3) Northeasterly and Northerly along the Eastern right-of-way of said Levee L-40 to the center line of State Road 80; thence
- (4) Westerly along the center line of State Road 80 to the intersection of the center line of US Highway 98; thence
- (5) Northwesterly along the center line of US Highway 98 to the West line of Range 40 East; thence
- (6) Northerly along the West line of Range 40 East to the Northeast corner of Section 01, Township 43 South, Range 39 East; thence
- (7) Easterly along the South line of Section 36, Township 42 South, Range 39 East to the Southeast corner of said Section 36, Township 42 South, Range 39 East; thence
- (8) Northerly along the East line of Range 39 to the East quarter corner of Section 13, Township 42 South, Range 39 East; thence
- (9) Westerly through the centers of Section 13, 14 and 15 in Township 42 South, Range 39 East to the West line of said section 15; thence
- (10) Southerly along the East line of Section 16, Township 42 South, Range 39 East to the Northeasterly right-of-way line of Levee L-8; thence
- (11) Northwesterly along said Northeasterly right-of-way line to the intersection with the West line of Section 31, Township 41 South, Range 39 East; thence

(12) Northerly along the West line of said Range 39 East to the North line of Palm Beach County; thence

(13) Easterly along said North line to the water's edge of the Atlantic Ocean; thence

(14) Southerly along said water's edge to the Point of Beginning;

Less therefrom all incorporated areas of Palm Beach County except those municipalities, and municipal boundaries thereof, which have opted, pursuant to the provisions of Section 125.01, Florida Statutes, in effect at such time, to become a part of the Fire/Rescue MSTU and been accepted, namely, the Town of Glen Ridge, the Town of Lake Clarke Shores, the Town of Cloud Lake, the Town of Juno Beach, the Village of Wellington, the Town of Haverhill, the Village of Royal Palm Beach, the City of Pahokee, the City of South Bay, the City of Belle Glade, the Town of Loxahatchee Groves, and those hereinafter exercising such right.”

Section 2. Repeal of Laws in Conflict:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability:

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

Section 4. Inclusion in the Code of Laws and Ordinances:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

Section 5. Captions:

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

Section 6. Effectiveness:

Pursuant to the provisions of Section 11(1) of Chapter 2006-328, Laws of Florida, the inclusion of the Town of Loxahatchee Groves within the Fire/Rescue MSTU shall continue until the Town adopts an ordinance to the contrary.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2007.

**ATTEST:
SHARON R. BOCK, CLERK &
COMPTROLLER**

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

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: *Sharon Burrows*
County Attorney

FILED with the Department of State on the _____ day of _____, 2007.

G:\WPDATA\ENG\SBURROWS\Fire-Rescue 2007\MSTU Boundary -Loxahatchee Groves -ORD 6-5-07.doc