

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: November 6, 2007 [] Consent [X] Regular
 Department Workshop [] Public Hearing

Submitted For: FIRE RESCUE

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on November 20, 2007, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51 of Chapter 26, Article II, Division 3, of the Palm Beach County Code; eliminating the Glades Regional Fire MSTU (Municipal Service Taxing Unit); amending the boundaries of the Fire/Rescue MSTU to include the unincorporated areas formerly within the Glades Regional Fire MSTU; restating provisions describing the Jupiter MSTU; 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.

Summary: The Glades Regional Fire MSTU currently encompasses unincorporated areas in the western portion of Palm Beach County. On October 1, 2006, Palm Beach County Fire-Rescue began providing fire-rescue services to the unincorporated areas within the Glades Regional Fire MSTU, which areas previously had been served by the Cities of Pahokee, South Bay, and Belle Glade through contracts with the County. Effective January 1, 2008, Palm Beach County Fire-Rescue will become the primary provider of Advanced Life Support emergency medical services and transport within the Glades Regional Fire MSTU, thereby providing services consistent with those provided within the Fire/Rescue MSTU. This ordinance will add to the Fire/Rescue MSTU those unincorporated areas that currently comprise the Glades Regional Fire MSTU and eliminate the Glades Regional Fire MSTU. This ordinance also restates provisions describing the Jupiter MSTU to provide a simplified description of the boundaries. Countywide (SB)

Background and Policy Issues: Prior to October 1, 2006, the County provided fire rescue services to portions of the unincorporated areas west of 20-mile bend through the "Glades Regional Fire MSTU" by contracting with the Cities of Belle Glade, South Bay and Pahokee (Cities). During that time, the Cities provided fire-rescue services to a portion of the unincorporated Glades area. On October 1, 2006, the Cities abolished their fire rescue departments and the County began providing fire rescue services to the Cities as well as the unincorporated area previously served by the Cities. Service to the Glades Regional Fire MSTU is currently provided by personnel funded by the Fire/Rescue MSTU. These costs are reimbursed by the Glades Regional Fire MSTU. Therefore, we are recommending the elimination of the Glades Regional Fire MSTU consolidating the unincorporated area into one MSTU.

Attachments:
 Proposed Ordinance

Recommended By: [Signature] Deputy Chief Date 10-17-07

Approved By: [Signature] Fire-Rescue Administrator Date 10-17-07

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
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 ☒ No ☐

Budget Account No.: Fund _____ Dept _____ Unit _____ Object _____

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


Service to the Glades Regional Fire MSTU is currently provided by personnel funded by the Fire/Rescue MSTU. These costs are reimbursed by the Glades Regional Fire MSTU. Therefore, there is no additional fiscal impact associated with the approval of this item.

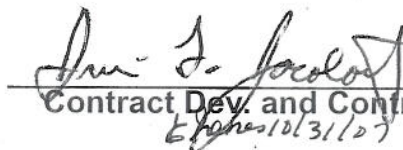
C. Departmental Fiscal Review:



III. REVIEW COMMENTS

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

 10-30-07
OFMB 88
10/29/07 10/30/07 10/27

 10/31/07
Contract Dev. and Control
10/31/07

B. Legal Sufficiency:

 11/1/07
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 OF CHAPTER 26, ARTICLE II, DIVISION 3, OF THE PALM BEACH COUNTY CODE; ELIMINATING THE GLADES REGIONAL FIRE MSTU (MUNICIPAL SERVICE TAXING UNIT); AMENDING THE BOUNDARIES OF THE FIRE/RESCUE MSTU TO INCLUDE THE UNINCORPORATED AREAS FORMERLY WITHIN THE GLADES REGIONAL FIRE MSTU; RESTATING PROVISIONS DESCRIBING THE JUPITER MSTU; 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 all other necessary and incidental powers to effect the purposes for which the MSTUs were created; and

WHEREAS, the Fire/Rescue MSTU currently encompasses the unincorporated areas of Palm Beach County, except for the unincorporated areas within the Glades Regional Fire MSTU, plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU pursuant to Section 125.01(1)(q), Florida Statutes, or other applicable law; and

WHEREAS, the Glades Regional Fire MSTU currently encompasses unincorporated areas in the western portion of Palm Beach County; and

WHEREAS, on October 1, 2006, Palm Beach County Fire-Rescue began providing fire-rescue services to the unincorporated areas within the Glades Regional Fire MSTU, which areas previously had been served by the Cities of Pahokee, South Bay, and Belle Glade through contracts with the County; and

WHEREAS, effective January 1, 2008, Palm Beach County Fire-Rescue will become the primary provider of Advanced Life Support emergency medical services and transport within the Glades Regional Fire MSTU, thereby providing services consistent with those provided by Palm Beach County Fire-Rescue within the Fire/Rescue MSTU; and

WHEREAS, accordingly the Board of County Commissioners determines that it is in the public interest to add to the Fire/Rescue MSTU those unincorporated areas that currently comprise the Glades Regional Fire MSTU, and to eliminate the Glades Regional Fire MSTU.

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

Section 1. Section 26-51, subsection (a), of the Palm Beach County Code is hereby amended as follows:

“(a) There are hereby established ~~three (3)~~ two (2) municipal service taxing units, in accordance with the authority granted in section 125.01(1)(q) and (r), Florida Statutes. Said municipal service taxing units shall be known as the Fire/Rescue MSTU; and the Jupiter MSTU, ~~and the Glades Regional Fire MSTU. The Fire/Rescue MSTU and the Glades Regional Fire MSTU shall consist of that specific portion of the unincorporated area of the county as described in the legal description for each of said municipal service taxing units, set forth below. The Fire/Rescue MSTU shall also include all property situated within a municipality’s boundaries, described in paragraph (b) below, as they may be amended from time to time, which has opted into or consented to its inclusion within the municipal service taxing unit’s boundaries and been accepted. The Jupiter MSTU shall consist of all of the property situated within the municipal boundaries of the Town of Jupiter, as described in paragraph (d) below, as said boundaries may be amended from time to time.~~ The purpose of each MSTU shall be to provide fire protection, fire-rescue, advanced life support, (or similar emergency service), code enforcement and any and all necessary and incidental powers to effect the purposes set forth herein within each of the respective municipal service taxing units created pursuant to this division and in compliance with law.”

Section 2. Section 26-51, subsection (b), of the Palm Beach County Code, relating to the boundaries of the Fire/Rescue MSTU, is hereby amended, restated and replaced in its entirety to read as follows:

“(b) The Fire/Rescue MSTU shall consist of the entire unincorporated area of the County plus all property situated within a municipality’s boundaries, as they may be amended from time to time, which municipality has opted and consented to be included within the Fire/Rescue MSTU, in accordance with Section 125.01(1)(q), Florida Statutes, or other applicable law, and

been accepted by the County, 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 3. Section 26-51, subsection (c), of the Palm Beach County Code, relating to the boundaries of the Glades Regional Fire MSTU, is hereby deleted in its entirety.

Section 4. Section 26-51, subsection (d), of the Palm Beach County Code, relating to the boundaries of the Jupiter MSTU, is hereby re-lettered as subsection (c), and restated and replaced in its entirety to read as follows:

“(c) The Jupiter MSTU shall consist of all the territory within the incorporated municipal boundaries of the Town of Jupiter, as they may be amended from time to time.”

Section 5. 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 6. 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 7. 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 8. 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 9. Effectiveness:

The provisions of this Ordinance shall become effective December 31, 2007, to be implemented for tax year 2008; provided, however, that the Glades Regional Fire MSTU shall be deemed to continue through September 30, 2008, to the extent necessary to enable the County to provide within that area fire-rescue and related services funded by tax year 2007 through said MSTU, including but not limited to the enforcement of applicable laws and regulations.

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: _____
County Attorney

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

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