

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 1300 Dept _____ Unit _____ Object _____

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

Funding for service to the Town of South Palm Beach is currently provided from the main Fire-Rescue MSTU (Fund 1300). Inclusion of the Town in the Fire/Rescue MSTU will not change the amount of revenue received from the Town for fire-rescue services.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

11-8-07
 11/5/07 OFMB SR CN 11/5/07
 11/7/07

11/9/07
 Contract Dev. and Control
 & Plans 11/9/07

B. Legal Sufficiency:

11-9-07
 Assistant County Attorney

At the time of CD&C review, the Town Ordinance was not a Final Version.

C. Other Department Review:

 Department Director

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

ORDINANCE NO. 2007 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 26-51, SUBSECTION (b), OF CHAPTER 26, ARTICLE II, DIVISION 3, OF THE PALM BEACH COUNTY CODE; AMENDING THE BOUNDARIES OF THE FIRE/RESCUE MSTU (MUNICIPAL SERVICE TAXING UNIT) TO INCLUDE THE TOWN OF SOUTH PALM BEACH; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR OPT-OUT PROCEDURES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS.

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 encompasses the unincorporated areas of Palm Beach County 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 County has provided fire-rescue services within the Town of South Palm Beach (the "Town") through an interlocal agreement since October 1, 2004, and the Town has paid the County for said services at a rate established by said interlocal agreement; and

WHEREAS, the Town now desires to opt into the Fire/Rescue MSTU as a method to receive and pay for fire-rescue services from the County; and

WHEREAS, the Board of County Commissioners desires to amend the boundaries of the Fire/Rescue MSTU to include the properties within the municipal boundaries of the Town; and

WHEREAS, in accordance with Section 125.01(1)(q), Florida Statutes, the Town's Ordinance No. 247 provides consent for the Town's inclusion in the Fire/Rescue MSTU; and

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

ATTACHMENT # 1

Section 1. Section 26-51, subsection (b), of the Palm Beach County Code is hereby amended 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, the Town of Lantana, the Town of South Palm Beach, and those hereinafter exercising such right.”

Section 2. Effectiveness:

The provisions of this Ordinance shall become effective December 31, 2007, to be implemented for tax year 2008 for services beginning October 1, 2008, provided that the Town has duly enacted an ordinance consenting to its inclusion in the Fire/Rescue MSTU. The inclusion of the Town of South Palm Beach in the Fire/Rescue MSTU shall continue for the term of consent identified in the Town’s Ordinance No. 247, as it may be extended by the Town from time to time, provided that the County maintains in effect an ordinance including the Town within the Fire/Rescue MSTU. The Town’s inclusion in the Fire/Rescue MSTU shall be deemed to continue, after the expiration, repeal or termination of the Town’s participation in the MSTU, to the limited extent necessary to enable the County to provide within the Town fire-rescue and related services funded by the final tax year, including but not limited to the enforcement of applicable laws and regulations.

Section 3. Opt-Out Procedures:

Should the Town or the County desire to terminate the Town’s participation in the Fire/Rescue MSTU, then the party desiring said termination shall adopt, prior to March 1st of any given year, an ordinance to repeal or otherwise terminate the Town’s participation in the Fire/Rescue MSTU effective December 31st of that same year, and deliver a certified copy of said ordinance to the Palm Beach County Property Appraiser’s Office, Division of Appraisal Administration, for physical receipt by the Property Appraiser prior to March 1st of that same

year. In such case, the Town's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st. A certified copy of said ordinance shall be delivered to, and received by, the other party on the same day that it is delivered to, and received by, the Property's Appraiser's Office.

Notwithstanding anything in this Ordinance to the contrary, the County may repeal this Ordinance, and cancel the Town's participation in the Fire/Rescue MSTU prior to its implementation for tax year 2008 for services commencing October 1, 2008, by adopting a repealing ordinance, and delivering a copy of said ordinance to the Palm Beach County Property Appraiser's Office, prior to April 30, 2008.

Section 4. 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 5. 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 6. 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 7. 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.

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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ORDINANCE NO. 247

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SOUTH PALM BEACH, FLORIDA, REPEALING ARTICLE II. RESERVED. AND ADOPTING AN ENTIRELY NEW ARTICLE II. AT CHAPTER 22. FIRE PREVENTION AND PROTECTION. TO PROVIDE FOR THE TOWN'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE TOWN OF SOUTH PALM BEACH'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE SERVICES; PROVIDING FOR INTENT, PURPOSE AND EFFECT; PROVIDING THAT ARTICLE III. OF CHAPTER 22 SHALL BE RESERVED FOR FUTURE LEGISLATION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 125.01(1)(q), *Florida Statutes*, the Florida Legislature has empowered counties to establish Municipal Service Taxing Unit ("MSTU"), whereby a County may levy a tax, within the MSTU for certain essential municipal services, including the provision of fire-rescue services; and

WHEREAS, pursuant to Section 125.01(1)(q), *Florida Statutes*, the state legislature has provided for the inclusion of any municipality, or portion thereof, within a MSTU established under the authority of Section 9(b), Article VII. of the State Constitution and has provided that no such inclusion may be authorized unless approved by ordinance of the governing body of the municipality giving consent either annually or for a longer term subject to certain ad valorem tax limits; and

WHEREAS, the Town Council of the Town of South Palm Beach desires to consent to the inclusion of all territory lying within the municipal boundaries of the Town within a County MSTU for fire-rescue services benefiting residents within the Town and believes that such inclusion is in the best interests of the health, safety and welfare of the citizens of the Town of South Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH PALM BEACH, FLORIDA, THAT:

Section 1: It is the intent, purpose and effect of this ordinance to comply with the provisions of Section 125.01(1)(q), *Florida Statutes*. All of the territory within the incorporated municipal boundaries of the Town of South Palm Beach (the "Town"), to include any parcels of land annexed into the Town in the future during the effective term of this ordinance, shall be included within the County's Fire Rescue Municipal Service Taxing Unit (the "Fire/Rescue

MSTU”) for the purpose of providing fire-rescue services within the territorial limits of the Town. The Town expressly consents to have all property currently located within its corporate boundaries (or annexed into its corporate boundaries until December 31, 2013) to be included in the Fire/Rescue MSTU until December 31, 2013 unless this ordinance is repealed earlier as set forth below. This ordinance shall expire on until December 31, 2013, except that it may be repealed earlier by the Town Council by providing notice in writing to Palm Beach County, by March 1st of any given year, of the Town’s intent to repeal the ordinance with such repeal to be effective December 31st of that year. Therefore, the notice of its intent to repeal the ordinance and terminate the inclusion of the Town in the County’s Fire-Rescue MSTU will occur at least ten (10) months prior to such repeal becoming effective. Notwithstanding anything herein to the contrary, the Town’s consent and inclusion in the Fire/Rescue MSTU shall be deemed to continue after the expiration or repeal of this Ordinance to the limited extent necessary to enable the County to provide within the Town fire-rescue and related services funded by the final tax year, including enforcement of applicable laws and regulations.

Section 2: Existing Article II. Reserved. is hereby repealed and new Article II. is adopted; specific authority is hereby granted to codify and incorporate this ordinance into Chapter 22. Fire Prevention and Protection., at newly created Sec. 22-31. “Ordinance No. 247” at new Article II. “Inclusion of Town’s Boundaries into Palm Beach County’s Fire-Rescue Municipal Service Taxing Unit (“MSTU”)” to read as follows:

ARTICLE II. INCLUSION OF TOWN’S BOUNDARIES INTO PALM BEACH COUNTY’S FIRE-RESCUE MUNICIPAL SERVICE TAXING UNIT (“MSTU”)

Sec. 22-31. Ordinance No. 247.

Ordinance No. 247 adopted on November 27, 2007 provides for the inclusion of the Town of South Palm Beach’s boundaries within the boundaries of the Fire/Rescue MSTU established by Palm Beach County for fire-rescue services pursuant to Section 125.01(1)(q), *Florida Statutes*, under the authority of Sec. 9(b), Article VII. of the State Constitution. Ordinance No. 247 is hereby included and incorporated herein by reference as if fully set forth herein and shall be kept on file for review in the Office of the Town Clerk.

Secs. 22-32. – 22-40. Reserved.

ARTICLE III. RESERVED.

Secs. 22-41. – 22-50. Reserved.

Section 3: All other ordinances and parts of the ordinances in conflict with any provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 4: Should any Section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 5: This Ordinance shall take effect on December 31, 2007 provided that the Board of County Commissioners of Palm Beach County has adopted an ordinance providing for the inclusion of the territorial limits of the Town within the County's Fire Rescue MSTU.

Section 6: The affected properties within the Town shall be noticed of their inclusion in the County's Fire-Rescue MSTU on their tax bill issued on or after November 1, 2008.

Council member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council member _____, and upon being put to a vote, the vote was as follows:

Maurice J. Jacobson, Mayor	_____
Leon Zimmerman, Vice Mayor	_____
Robert Gottlieb, Councilor	_____
Martin Millar, Councilor	_____
Charles McCrosson, Councilor	_____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Council of the Town of South Palm Beach, Florida, duly passed and adopted this 27th day of November, 2007.

TOWN OF SOUTH PALM BEACH, FLORIDA

MAURICE J. JACOBSON, MAYOR

First Reading: October 23, 2007
Second Reading: November 27, 2007

ATTEST:

VANESSA MUTCHNIK, TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

TRELA J. WHITE, TOWN ATTORNEY

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