

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 9, 2008 [XX] Consent [] Regular [] Ordinance [] Public Hearing

Department Submitted By: PALM BEACH COUNTY HEALTH DEPARTMENT

Submitted For: ENVIRONMENTAL HEALTH AND ENGINEERING

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2008/2009 budget for the Air Pollution Control Program.

Summary: This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Palm Beach County Health Department (PBCHD) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This program is solely supported by motor vehicle license registration fees. The proposed FY 2008/2009 budget for the Air Pollution Control Program from this funding source is \$925,000 which is a 4.5% increase over the current year. This increase can be accommodated by a large surplus in the Air Pollution Control Trust Fund and will offset reduced funding for the Air Pollution Control Program from another revenue source. Countywide (GB)

Background and Justification: In 1983, the State Legislature enacted Section 320.03(6), Florida Statutes, which provided for an additional fifty cent (50¢) motor vehicle license registration fee for the control of air pollution in the State. If this fee is collected in counties with approved air pollution control programs, such as the existing Health Department Program, then it is returned to a trust fund established by the county. This Statute also requires that these funds be used only for air pollution control purposes. Therefore, the County entered into an agreement with the PBCHD authorizing the Health Department Air Pollution Control Program to act on behalf of Palm Beach County, and to establish an Air Pollution Control Trust Fund to support such a program. The Resolution, No. R-84-1196, was adopted on August 21, 1984 (Attachment 3).

The 1990 State Legislature amended Section 320.03(6), Florida Statutes, to increase the registration fee to one dollar (\$1.00) for support of air pollution control activities. (Continued)

ATTACHMENTS:

- 1. Proposed Resolution approving FY 2008/2009 Budget
2. FY 2008/2009 Air Pollution Control Program Budget
3. Resolution No. R-84-1196

Recommended By: Alvin Honnes for J. Malucki 8/14/08
Department Director Date

Approved By: [Signature] 8/28/08
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years 2008 2009 2010 2011 2012
Capital Expenditures _____
Operating Costs _____
Operating Revenues _____
Is Item Included In Current Budget? Yes _____ No _____
Budget Account No: Fund _____ Agency _____ Org _____ Object _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact: This grant agreement will be funded out of the Air Pollution Control Trust Fund (Fund 7045). The ending FY 2008 balance is projected to be \$412,000 and new FY 2009 revenues are estimated at \$925,000, so there will be sufficient funding to accommodate this grant.
(Note: Balance Sheet Account 2080; sub-balance sheet account: 7451.)

III. Review Comments:

A. OFMB Fiscal and/or Contract Administration Comments:

atwillhite 8-22-08
OFMB 8/22/08 CN 8/10/08
John J. Jacoby 8/25/08
Contract Administration 8/25/08

B. Legal Sufficiency:

[Signature] 8/25/08
Assistant County Attorney

C. Other Department Review:

Department Director

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

AGENDA ITEM SUMMARY

Background And Justification (Continued):

Section 320.03(6), Florida Statutes, was further amended to provide that an approved local air pollution control program is eligible to receive an additional twenty-five cents (25¢) from the fee, a total of seventy-five cents (75¢), provided the local air pollution control trust fund has an unencumbered balance not exceeding 50% of the previous year's revenue allocation. The current fund balance is close to the seventy-five cents (75¢) eligibility level. The proposed FY 2008/2009 budget will exceed revenues by approximately 5% and thereby reduce the balance in the Air Pollution Control Trust Fund to ensure continued funding at the 75¢ level. Future budgets beyond 2008/2009 for the Air Pollution Control Program will be more aligned with anticipated revenues.

RESOLUTION NO. 08-

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, ADOPTING THE FY 2008/2009
BUDGET FOR THE AIR POLLUTION CONTROL
PROGRAM.

WHEREAS, on August 21, 1984, the Board of County
Commissioners entered into an agreement with the Palm Beach
County Health Department to continue an Air Pollution
Control Program and establish an Air Pollution Control
Trust Fund pursuant to Sections 403.182 and 320.03(6),
Florida Statutes; and

WHEREAS, the Agreement requires the Health Department
to submit a budget to the County on an annual basis; and

WHEREAS, the projected budget for the expenditure
of monies deposited into the Air Pollution Control Trust
Fund for FY 2009/2009 is as follows:

<u>Program Component</u>	<u>Annual Cost</u>
(1) Personnel Salaries	\$495,695
(2) Fringe Benefits	\$158,622
(3) Travel	\$ 4,000
(4) Training	\$ 1,000
(5) Communications	\$ 1,988
(6) Utilities	\$ 7,198
(7) Postage	\$ 1,685
(8) Printing	\$ 4,593
(9) Contractual	\$ 2,000
(10) Supplies & Maintenance	\$ 4,500
(11) Laboratory Services	\$ 500
(12) Motor Pool	\$ 25,000
(13) Office Supplies	\$ 13,431
(14) Subscriptions	\$ 250
(15) Promotional Items	\$ 1,000
(16) Other	\$ 88,352
(17) Indirect Costs	\$107,112
(18) Capital Items (>\$1,000)	\$ 8,074
Total Cost	\$925,000

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF
COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that
the projected budget of the Air Pollution Control Program
as set forth herein is hereby adopted, subject to final
adoption of the Palm Beach County FY 2008/2009 Budget.

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:

COMM. ADDIE GREENE, CHAIRPERSON	_____
COMM. JEFF KOONS, VICE CHAIR	_____
COMM. KAREN MARCUS	_____
COMM. ROBERT J. KANJIAN	_____
COMM. MARY MCCARTY	_____
COMM. BURT AARONSON	_____
COMM. JESS R. SANTAMARIA	_____

The Chair thereupon declared the Resolution duly
passed and adopted the ____ day of _____,
2008.

APPROVED AS TO FORM
& LEGAL SUFFICIENCY:

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK AND
COMPTROLLER

BY: _____
COUNTY ATTORNEY

BY: _____
(CLERK)

Attachment 2

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2008/2009

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT	DIVISION ENVIRONMENTAL HEALTH & ENGINEERING	
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	SALARIES	40% ENVIRONMENTAL MANAGER	\$23,277
		100% ENVIRONMENTAL SPEC. II	\$36,608
		90% ENVIRONMENTAL SPEC. II	\$36,242
		20% ENVIRONMENTAL SPEC. III	\$8,662
		90% SENIOR CLERK	\$27,226
		22% SENIOR CLERK	\$6,046
		45% ENVIRONMENTAL ADMINISTRATOR	\$32,049
		50% ENVIRONMENTAL MANAGER	\$25,608
		100% ENVIRONMENTAL SPEC. II	\$37,249
		100% ENVIRONMENTAL SPEC. II	\$37,547
		100% ENVIRONMENTAL SUPV. II	\$48,934
		15% ENGINEER III	\$6,859
		25% PROFESSIONAL ENG. SUPV. II	\$15,476
		35% ENGINEER III	\$17,398
		90% ENVIRONMENTAL SPEC. II	\$33,792
		100% ENVIRONMENTAL SPEC. III	\$43,514
		15% ENVIRONMENTAL SPEC. III	\$7,055
		15% ENVIRONMENTAL ADMINISTRATOR	\$12,197
		10% PROFESSIONAL ENGINEER III	\$7,975
		10% SR. SANITARIAN & SAFETY SPEC.	\$4,569
		20% ENVIRONMENTAL SPEC. III	\$9,061
		5% ENVIRONMENTAL SPEC. II	\$2,105
		16% SENIOR ATTORNEY	\$13,600
		10% ACCOUNTANT III	\$2,646
		SUB-TOTAL	\$495,695

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2008/2009

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT		DIVISION ENVIRONMENTAL HEALTH & ENGINEERING
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	FRINGE	40% ENVIRONMENTAL MANAGER	
		100% ENVIRONMENTAL SPEC. II	
		90% ENVIRONMENTAL SPEC. II	
		20% ENVIRONMENTAL SPEC. III	
		90% SENIOR CLERK	
		22% SENIOR CLERK	
		50% ENVIRONMENTAL ADMINISTRATOR	
		50% ENVIRONMENTAL MANAGER	
		100% ENVIRONMENTAL SPEC. II	
		100% ENVIRONMENTAL SPEC. II	
		100% ENVIRONMENTAL SUPV. II	
		25% ENGINEER II	
		25% PROFESSIONAL ENG. SUPV. II	
		40% ENGINEER III	
		90% ENVIRONMENTAL SPEC. II	
		100% ENVIRONMENTAL SPEC. III	
		15% ENVIRONMENTAL SPEC. III	
		15% ENVIRONMENTAL ADMINISTRATOR	
		10% PROFESSIONAL ENGINEER III	
		10% SR. SANITARIAN & SAFETY SPEC.	
		20% ENVIRONMENTAL SPEC. III	
		5% ENVIRONMENTAL SPEC. II	
		16% SENIOR ATTORNEY	
		10% ACCOUNTANT III	
		SUB-TOTAL	
		Note: FRINGE BASED ON 32% OF SALARY	\$158,622

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2008/2009

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT	DIVISION ENVIRONMENTAL HEALTH & ENGINEERING	
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
2600	TRAVEL	Travel costs to attend meetings, conferences, and training courses; per diem and private car expenses.	\$4,000
1399	TRAINING	Employee development (Registration Fees).	\$1,000
2210	COMMUNICATIONS	Telephone, cellular phones, & pagers.	\$1,988
2700	UTILITIES	Electric, water and waste disposal costs.	\$7,198
2250	POSTAGE	Mailing of correspondence, shipping & freight.	\$1,685
2300	PRINTING	Reports, brochures, visual aids, video & photography, and copying.	\$4,593
2400	CONTRACTUAL	Costs related to equipment maintenance, and service contracts for air monitoring trailers.	\$2,000
3810, 3630, 3420	SUPPLIES, MAINTENANCE AND REPAIRS	Costs related to repairs, maintenance and replacement of all air monitoring equipment and equipment used to conduct inspections.	\$4,500
4990	LABORATORY SERVICES	Costs for performing laboratory analyses on non-routine special samples.	\$500
3700	MOTOR POOL	Costs for operating section vehicles, including fuel, maintenance & repair and monthly leases.	\$25,000
3800	OFFICE SUPPLIES	Items necessary for operation of office, laboratory and monitoring sites; office computers and computer software included.	\$13,431
		SUB-TOTAL	\$65,895

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2008/2009

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT	DIVISION ENVIRONMENTAL HEALTH & ENGINEERING	
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
4900, 5110	SUBSCRIPTIONS AND REFERENCE MATERIALS	Costs of periodicals, professional organizations, books and reference materials.	\$250
	PROMOTIONAL ITEMS	Purchase of small items for public distribution to promote air quality. Purchases will be consistent with PBC Policy #PPM CW-F-019.	\$1,000
4990	OTHER	Matching money required to receive Federal air program funding for FY/08 from the U.S. Environmental Protection Agency.	\$88,352
1103	INDIRECT COSTS	Support services from Human Resources, Finance & Accounting, Data Management and Purchasing. Based on DOH/federal indirect cost agreement 16.37% of salary & fringe.	\$107,112
5120	CAPITAL ITEMS >\$1,000	1 50% Continuous PM10 Sampler	\$8,074
		CAPITAL ITEMS TOTAL	\$8,074
		SUB-TOTAL	\$204,788
		BUDGET TOTAL	\$925,000

ATTACHMENT 3
RESOLUTION NO. R-84-1196

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA APPROVING THE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE PALM BEACH COUNTY HEALTH DEPARTMENT AND AUTHORIZING THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE AIR POLLUTION CONTROL TRUST FUND PURSUANT TO FLORIDA STATUTE 320.03(6)

WHEREAS, Palm Beach County recognizes the need for the control of air pollution; and

WHEREAS, Palm Beach County currently has in effect an Environmental Control Ordinance, Ordinance No. 78-5, as amended, which provides for the adoption by reference of all State Air Pollution rules; and

WHEREAS, the Air Pollution Control Program in the Health Department is an approved and certified program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control Ordinance.

WHEREAS, it is necessary for the parties to enter into a contractual agreement to delineate their responsibilities and obligations.

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

The above statements are hereby affirmed and the Palm Beach County Health Department Air Pollution Control Program is authorized to act as the local Air Pollution Control Program on behalf of Palm Beach County, and the Clerk of the Board of County Commissioners is authorized to accept and transfer funds from the Department of Environmental Regulation Air Pollution Control Trust Fund to a County Air Pollution Control Trust Fund for the support of such a program in accordance with Florida Statute 320.03(6).

Be it further resolved that the agreement between Palm Beach County and the Palm Beach County Health Department, a copy of which is attached hereto and made a part hereof, is approved and the Chairman and Clerk of the Board of County Commissioners are hereby authorized to execute said contract on behalf of Palm Beach County.

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

KEN SPILLIAS	Aye
DOROTHY WILKEN	Aye
PEGGY B. EVATT	Aye
DENNIS P. KOEHLER	Aye
BILL BAILEY	Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 21st day of August 1984.

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

JOHN B. DUNKLE, CLERK

By: *Paul H. Compton*
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Blair J. Lewis
County Attorney

AN AGREEMENT BETWEEN PALM BEACH COUNTY AND
THE PALM BEACH COUNTY HEALTH DEPARTMENT FOR
THE CONTROL OF AIR POLLUTION

THIS AGREEMENT, made and entered into at West Palm Beach, Florida, on this 21st day of August 1984, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County", and the PALM BEACH COUNTY HEALTH DEPARTMENT, a Health Unit of the State Department of Health and Rehabilitative Services, hereinafter referred to as "Health Department".

WHEREAS, the County desires to establish an Air Pollution Control Program; and

WHEREAS, the Health Department Air Pollution Control Program is an approved program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs, relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control.

NOW THEREFORE, in consideration of the premises and the mutual premises and undertakings contained herein, and for other good and valuable consideration, the parties hereby agree as follows:

1. The County will adopt the existing Health Department Air Pollution Control Program as the approved local Air Pollution Control Program specified in Florida Statute 320.03(6)
2. The Health Department will administer said local program in accordance with the mandates set forth in Florida Statute 320.03(6); Florida Statute 403; and the Palm Beach County Environmental Control Ordinance.
3. The County shall establish a local Air Pollution Control Trust Fund in accordance with Florida Statute 320.03(6).
4. The County shall disburse monies from said Trust Fund to the Health Department, and the Health Department will utilize and account for said funds, in accordance with the provisions of

Florida Statute 320.03(6), Florida Administrative Code Chapter 17-2.820, and generally accepted accounting procedures and principles Exhibit 1 is attached hereto as a summary example of the accounting procedure to be utilized.

5. The Health Department will submit semi-annual written reports to the County setting forth the goals, objectives and accomplishments of the Local Air Pollution Control Program.

6. The Health Department shall submit a proposed budget to the County on an annual basis, the first of which is attached hereto as Exhibit 2 and made a part hereof.

7. This agreement shall become effective on the date last signed by the parties below.

8. This agreement may be terminated by either party upon 30 days written notice given by either party to the other prior to the proposed date of termination.

9. Health Department shall indemnify and hold harmless County from liability of any kind, including cost expenses for or on account of any suits, actual or threatened, or damages arising out of acts of its employees or program participants during the period of this agreement.

IN WITNESS WHEREOF, the parties have caused this two page agreement to be executed by their officials thereunto duly authorized.

PALM BEACH COUNTY HEALTH DEPARTMENT

BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA

BY: C. L. Brumbeck, M.D.
Director
per Jules J. [unclear]

BY: [Signature]
Chairman

JOHN B. DUNKLE, CLERK

BY: [Signature]
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY