

AGENDA ITEM SUMMARY

I. EXECUTIVE BRIEF

12-5-08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT * <u>See below</u>	_____	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

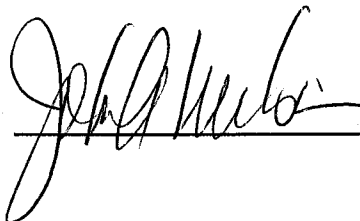
Is Item Included in Current Budget? Yes _____ No X_____

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

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

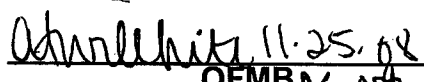
* The estimated, ongoing fiscal impact of adding the Village of Palm Springs to the Fire/Rescue MSTU is approximately \$400,000 annually.

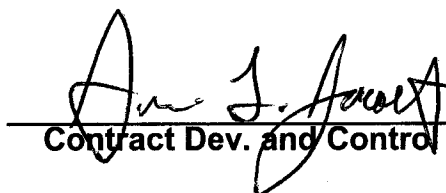
C. Departmental Fiscal Review:



III. REVIEW COMMENTS

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


OFMB 11/25/08 11/24/08


Contract Dev. and Control 11/26/08

B. Legal Sufficiency:


Assistant County Attorney 12/2/08

C. Other Department Review:

Department Director

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

ORDINANCE NO. 2008 - _____

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 VILLAGE OF PALM SPRINGS; 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, in accordance with Section 125.01(1)(q), Florida Statutes, the Village of Palm Spring's Ordinance No. 2008-21 provides consent for the Village's inclusion in the Fire/Rescue MSTU; 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 Village.

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

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 Village of Palm Springs, and those hereinafter exercising such right.”

Section 2. Effectiveness:

The provisions of this Ordinance shall become effective December 31, 2008, to be implemented for tax year 2009 for services beginning October 1, 2009, provided that the Village has duly enacted an ordinance consenting to its inclusion in the Fire/Rescue MSTU. The inclusion of the Village of Palm Springs in the Fire/Rescue MSTU shall continue for the term of consent identified in the Village’s Ordinance No. 2008-21, as it may be extended by the Village from time to time, provided that the County maintains in effect an ordinance including the Village within the Fire/Rescue MSTU.

The Village’s inclusion in the Fire/Rescue MSTU shall be deemed to continue, after expiration, repeal or termination of the Village’s participation in the MSTU, to the limited extent necessary to enable the County to provide within the Village 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 Village or the County desire to terminate the Village’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 Village’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 Village’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.

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.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2008.

ATTEST:
SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COMMISSIONERS

By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: *Sharon Bock*
County Attorney

FILED with the Department of State on the _____ day of _____, 2008.

ORDINANCE NO. 2008-21

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING FOR THE VILLAGE'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE VILLAGE OF PALM SPRINGS' MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES) AND OTHER SERVICES NECESSARY; PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND DURATION OF CONSENT.

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

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, the Florida 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 specified term, subject to certain ad valorem tax limits; and

WHEREAS, Palm Beach County established an "MSTU" known as the Fire/Rescue MSTU 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 MSTU was created; and

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

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. It is the intent, purpose and effect of the Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The Village Council of the Village of Palm Springs hereby consents to the inclusion of all territory within the incorporated municipal boundaries of the Village of Palms Springs, to include all parcels of land annexed into the Village in the future during the effective term of this

Ordinance No. 2008-21

ordinance, within Palm Beach County's Fire/Rescue MSTU, which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this Ordinance is to enable the County to provide fire-rescue and related services within the territorial limits of the Village of Palm Springs.

Section 2. The provisions of this Ordinance shall become effective December 31, 2008, to be implemented for tax year 2009, for County fire-rescue services to begin October 1, 2009. The Village's consent to be included in the County's Fire/Rescue MSTU shall continue for a term of ten (10) years through December 31, 2018, to fund fire-rescue services by the County through September 30, 2019; provided, however, that the Village's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through September 30, 2019, to the extent necessary to enable the County to provide within the Village fire-rescue and related services funded by tax year 2018, including but not limited to the enforcement of applicable laws and regulations.

Section 3. Should the Village repeal this Ordinance prior to its expiration, the Village shall provide written notice to Palm Beach County, by March 1 of any given year, of the Village's intent to repeal this Ordinance, with said repeal to be effective December 31 of that same year. In such case, the Village's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31; provided, however, that the Village's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following September 30 to the extent necessary to enable the County to provide within the Village fire-rescue and related services funded by the final tax year, including but not limited to the enforcement of applicable laws and regulations.

Section 4. Codification. This ordinance shall be codified in the Code of Ordinances of the Village of Palm Springs, Florida. 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. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 6. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 7. Effective Date. This ordinance shall become effective on December 31, 2008, provided that the Board of County Commissioners of Palm Beach County have adopted an ordinance providing for the inclusion of the territorial boundaries of the Village within the County's Fire/Rescue MSTU.

Ordinance No. 2008-21

Section 8. The affected properties within the Village shall be noticed of their inclusion in the County's Fire/Rescue MSTU on their tax bill issued on or after November 1, 2009.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JOHN M. DAVIS, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHET OSBORNE, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BEV SMITH, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

25th The Mayor thereupon declared the Ordinance duly passed and adopted this day of SEPTEMBER 2008.

VILLAGE OF PALM SPRINGS, FLORIDA
BY: John M. Davis
JOHN M. "MIKE" DAVIS, MAYOR

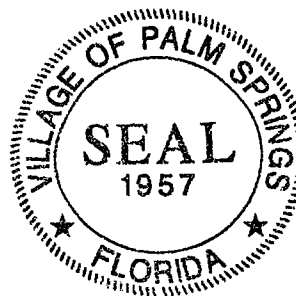
First Reading 9-11-2008
Second Reading 9-25-2008

ATTEST:

BY: Virginia M. Walton
VIRGINIA M. WALTON, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: GJ Torcivia FOR
GLEN J. TORCIVIA, VILLAGE ATTORNEY



STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS

I hereby certify that this is a true and correct copy of the original document on file in my office.

Virginia M. Walton
Virginia M. Walton, CMC, Village Clerk

