

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 21, 2009

[x] Consent [] Regular
[] Workshop [] Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution authorizing the County Administrator or his designee to execute the Palm Beach Sheriff's Office Trespassing Enforcement Affidavit Form; providing for severability; and becoming effective upon adoption.

Summary: The Resolution authorizes the County Administrator or his designee to execute the Palm Beach County Sheriff's Office (Sheriff) standard form Trespassing Enforcement Affidavit (Affidavit) authorizing the Sheriff to enforce Sections 810.08 and 810.09, Florida Statutes, on properties managed by the Department of Airports on behalf of the County, including the Palm Beach International Airport, the Palm Beach County Park Airport, the Palm Beach County Glades Airport and the North County General Aviation Airport (the Airports). The Affidavit enables the Sheriff to enforce the trespassing statutes at the Airports for a period of two years from date of authorization. Countywide (AH)

Background and Justification: From time to time there are trespassing violations at the Airports, including dumping and loitering. To facilitate enforcement of the trespassing statutes, the Sheriff administers a program whereby a property owner may complete an Affidavit, designating the Sheriff's deputies as the owner's authorized representatives to enforce the trespassing statutes for a period of two years.

Attachments:

1. Resolution

Recommended By:


Department Director


Date

Approved By:


County Administrator


Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures					
Operating Costs					
Operating Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	*SEE BELOW				
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No: Fund _____ Department _____ Unit _____ Object _____
Reporting Category _____

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

*No fiscal impact.

C. Departmental Fiscal Review: CM Simon

III. REVIEW COMMENTS

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

MSL 6/24/09
OFMB CN 6/22/09

Dr. J. Jacob 6/25/09
Contract Dev. and Control 6/25/09

B. Legal Sufficiency:

Anne Delgent 6/26/09
Assistant County Attorney

C. Other Department Review:

Department Director

RESOLUTION NO. R-2009-

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA; AUTHORIZING THE
COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE
THE PALM BEACH SHERIFF'S OFFICE TRESPASSING
ENFORCEMENT AFFIDAVIT FORM; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Department of Airports operates and manages certain properties owned by Palm Beach County ("County"), including the Palm Beach International Airport, the Palm Beach County Park Airport, the Palm Beach County Glades Airport and the North County General Aviation Airport (hereinafter collectively referred to as the "Airports"); and

WHEREAS, trespassing violations occur on the Airports from time to time; and

WHEREAS, the Palm Beach County Sheriff's Office ("Sheriff"), enforces Sections 810.08 and 810.09, Florida Statutes (the "Statute"); and

WHEREAS, the Sheriff administers a program whereby a property owner may complete a Trespassing Enforcement Affidavit (the "Affidavit"), designating the Sheriff's deputies as the owner's authorized representatives to enforce the Statute; and

WHEREAS, the Board of County Commissioners desires to designate the Sheriff as the owner's authorized representative to enforce the Statute; and

WHEREAS, the delegation of the authority to the County Administrator or his designee to execute the standard form Affidavit would eliminate delays caused by requiring such items to be brought before the Board of County Commissioners for approval and would therefore be consistent with the goal of the Board of County Commissioners to streamline the agenda process.

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

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein.
2. **Affidavit.** The Board hereby authorizes the County Administrator or his designee to execute the Palm Beach County Sheriff's Office standard form "Trespassing Enforcement Affidavit", attached hereto and incorporated herein as Attachment "A", as may be amended, on behalf of the Board of County Commissioners, authorizing the Sheriff to enforce the Statute on the

Airports. For purposes of this Resolution, the Director of the Department of Airports shall be considered to be a designee of the County Administrator.

3. **Severability.** If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.
4. **Effective Date.** This Resolution shall become effective immediately upon adoption.

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:

Commissioner John F. Koons, Chairman	-
Commissioner Burt Aaronson, Vice Chairman	-
Commissioner Karen T. Marcus	-
Commissioner Shelley Vana	-
Commissioner Steven L. Abrams	-
Commissioner Jess R. Santamaria	-
Commissioner	-

The Chairman thereupon declared the Resolution duly passed and adopted this
_____ day of _____, 2009.

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

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Anne Delgant
Assistant County Attorney

Attachment "A"
To
Resolution

Palm Beach County Sheriff's Office Trespassing Enforcement Affidavit

PALM BEACH COUNTY
SHERIFF'S OFFICE



Palm Beach County Sheriff's Office
Trespassing Enforcement Affidavit

Pursuant to 810.08(1)and(3) and/or 810.09(2)(b)and(3), Palm Beach County Sheriff's deputies are hereby designated as authorized representatives of the below listed business/property, and are authorized to warn and direct persons to leave said property.

Authority is granted by _____, who is the authorized agent of said business/property and is authorized to act on behalf of the below named business/property for the purposes of this affidavit, and who herein requests that Palm Beach County Sheriff's deputies enforce said Statute, on the said property, including parking areas and curtilages thereof. This affidavit is valid for a period of two years from date of authorization. If for any reason (sale, change of ownership, dissolution of business, etc.) cancellation is required, it will be the responsibility of the owner or authorized agent to notify the Palm Beach County Sheriff's Office, cancel their authorization, and remove the trespass notices.

It is also acknowledged that the owner or authorized agent, on behalf of the business/property, will assist with the prosecution of anyone arrested pursuant to this trespass affidavit.

Palm Beach County Business/Property Name _____

Palm Beach County Business/Property Address _____

Palm Beach County Business/Property Phone Number _____ Fax _____

Contact Information

Property Owner/Agent Name _____ DOB: _____

Property Owner/Agent Address _____

Property Owner/Agent Phone Number _____ OAN _____
(Required)

Authorizing Agent's Signature

Relationship to Property Owner

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me this _____ day of _____, 20____, by _____

Who is personally known to me or produced identification. Type of ID produced _____

Notary / Law Enforcement Officer _____

Type/Print/Stamp Name _____