

4D

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: October 20, 2009

[] Consent [] Regular
[x] Public Hearing

Department

Submitted By: **PUBLIC SAFETY**

Submitted For: **Emergency Management / EMS**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A) an Amendment to Palm Beach County Fire Rescue's (PBCFR) Certificate of Public Convenience and Necessity (COPCN) to remove four geographical areas (attachment 2, page 6), that are currently covered by PBCFR Station No.11; **and B)** transfer such services to Tequesta Fire Rescue's COPCN enabling Tequesta Fire Rescue to be the Primary Provider of Advanced Life Support (ALS) Emergency Medical Services and Transportation in the aforementioned four geographical areas for the period of October 1, 2009, to December 31, 2010.

Summary: On September 22, 2009, Palm Beach County entered into a First Amendment to Emergency Services Agreement with the Village of Tequesta. Effective October 1, 2009, the Village of Tequesta shall respond as the Primary fire rescue and emergency medical services and transport provider within four geographical areas as outlined: **Area 1:** Includes all parcels south of the Village of Tequesta's municipal border, east of Point Drive/Rio Vista Drive along the Loxahatchee River, and back north along Rio Vista Drive to the Tequesta border line. **Area 2:** Includes all parcels not within the Village of Tequesta's municipal boundary: east of Country Club Drive, south to Tequesta Drive, east to the Loxahatchee River, and back north to the Tequesta line. **Area 3:** Includes all parcels not within the Village of Tequesta's municipal boundary, east of the Loxahatchee River, south to the Tequesta line (just north of N Dover Road), east to the Tequesta line (just west of Gardens Street), and back north to the Tequesta line. **Area 4:** All parcels within the City limits of Jupiter, south of the Village of Tequesta's boundary line, east to the FEC railroad tracks, south to the Loxahatchee River, and back north along the Loxahatchee River to the Tequesta Line. In order for Palm Beach County Fire Rescue to assume this responsibility, their COPCN must be amended to exclude the four geographical areas, and must be added to the Village of Tequesta's COPCN. District 1 (DW)

Background and Policy Issues: In order to improve and enhance the response times, coverage, and overall efficiency of Fire Rescue and EMS to their residents and visitors, Fire Rescue has entered into a First Amendment to Emergency Services Agreement with the Village of Tequesta to have the Village of Tequesta provide said services. The Village of Tequesta will provide primary ALS and ALS transport only. According to the EMS Ordinance (2006-040, Section 8), the Board of County Commissioners may approve the transfer, or assignment, of a COPCN. The Amendment of Palm Beach County Fire Rescue's COPCN will reflect the removal of four geographical areas in their jurisdiction and transfer said services to the Village of Tequesta's COPCN. This COPCN will be valid from October 1, 2009, to December 31, 2010.

Attachments:

1. Letter from Palm Beach County Fire Rescue
2. First Amendment to Emergency Services Agreement
3. COPCN for the Village of Tequesta (2 copies)
4. COPCN for Palm Beach County Fire Rescue (2 copies)
5. Palm Beach Post – Proof of Publication

Recommended by: *Vincent Bonvento* 10/6/09
 Department Director Date

Approved by: *Vincent Bonvento* 10/6/09
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

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

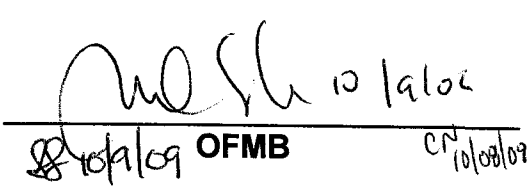
Is Item Included In Current Budget? Yes ___ No ___
 Budget Account No. Exp: Fund _____ Department _____ Unit _____ Object _____
 Rev: Fund _____ Department _____ Unit _____ Object _____

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

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:
 *There is no fiscal impact associated with this agenda item.

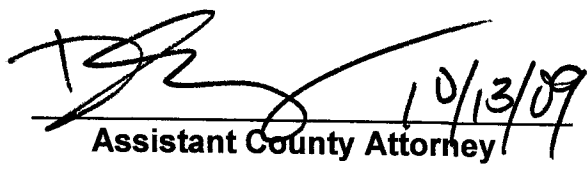


 10/19/09 OFMB CN 10/08/09



 Contract Administration 10/19/09

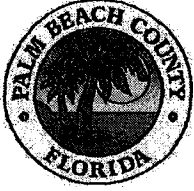
B. Legal Sufficiency:



 Assistant County Attorney 10/13/09

C. Other Department Review:

 Department Director



Fire Rescue

Chief Steven B. Jerauld

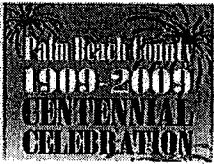
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

- Jeff Koons, Chairman
- Burt Aaronson, Vice Chairman
- Karen T. Marcus
- Shelley Vana
- Steven L. Abrams
- Jess R. Santamaria
- Priscilla A. Taylor

County Administrator
Robert Weisman



*"An Equal Opportunity
Affirmative Action Employer"*

August 26, 2009

Emergency Management Division
Division of EMS, Attn, Lynette Schurter
20 South Military Trail
West Palm Beach, FL 33415

Dear Ms. Schurter:

It is the intent of Palm Beach County Fire-Rescue on October 1, 2009, to close fire-rescue Station 11 located at 465 Seabrook Rd., Jupiter, Florida. The Emergency Services Agreement R2005-0685 between Palm Beach County and The Village of Tequesta has been amended so that Emergency Medical Services/transport within the four geographical areas previously provided by Palm Beach County Fire-Rescue shall be provided by The Village of Tequesta.

The amended agreement for this change is attached so that the agenda item may be prepared for the Board of County Commissioners to amend Palm Beach County Fire-Rescues' and Village of Tequesta Certificate of Public Convenience and Necessity (COPCN) to reflect the change in services.

Please prepare the agenda item for the Board of County Commissioners meeting on September 15, 2009.

Should you have any questions, please do not hesitate to contact me at 616-7016.

Respectfully,

William R. Peters, Division Chief
Rescue Operations
Palm Beach County Fire-Rescue

ATTACHMENT 1

**FIRST AMENDMENT TO EMERGENCY SERVICES AGREEMENT
FOR MUTUAL ASSISTANCE, AUTOMATIC AID, AND DISPATCH SERVICES
BETWEEN PALM BEACH COUNTY AND THE VILLAGE OF TEQUESTA
(R2005-0685)**

THIS FIRST AMENDMENT entered into on this _____ day of _____, 2009, by and between Palm Beach County, Florida, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter "County") and the Village of Tequesta, a Florida municipal corporation located in Palm Beach County, Florida (hereinafter "Village").

WITNESSETH

WHEREAS, the parties entered into that certain Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services Between Palm Beach County and the Village of Tequesta effective April 5, 2005 (2005-0685) (hereinafter referred to as the "Agreement"); and

WHEREAS, the parties mutually desire to reestablish certain response guidelines regarding fire-rescue response to certain geographical areas; and

WHEREAS, the parties further desire to amend the Agreement to extend its duration.

NOW, THEREFORE, the County and the Village, in consideration of the terms and conditions set forth herein and the benefits flowing from each to the other, do hereby agree as follows:

1. The facts set forth in the preamble to this First Amendment are true and correct, and are hereby reaffirmed by the parties.
2. The Agreement is hereby amended to add Section 5 to Article I to read as follows:

ARTICLE I: MUTUAL ASSISTANCE AND AUTOMATIC AID

. . . .

Section 5: Primary Fire-Rescue Response: From October 1, 2009, through September 30, 2012, the Village shall respond as the primary fire-rescue and emergency medical services/transport provider within the four geographical areas outlined in blue on the map attached hereto as Exhibit 1 and incorporated herein. The Village shall provide within said areas fire-rescue response including, but not limited to, fire suppression, rescue, and emergency medical services/transport. The Village shall maintain sufficient personnel and equipment to provide in said areas the same or equivalent types and levels of fire-rescue services as provided by the County's Station #11 at the time this First Amendment is approved. Notwithstanding anything in the Agreement or this First Amendment to the contrary, the provisions of Section 4 of Article I of the Agreement shall not be applicable to the services provided by the Village under this Section 5.

ATTACHMENT 2

For the period from October 1, 2009, through September 30, 2012, the County shall pay One Hundred Sixty-Eight Thousand Dollars (\$168,000) to the Village on an annual basis payable in four installments on October 1, January 1, April 1 and July 1 of each year, for the services provided by the Village under this Section 5.

Prior to September 30, 2012, the parties shall meet to negotiate a contract amendment addressing the amount and terms of payment for the remaining duration of the Agreement. In the event the parties do not reach and approve such an amendment prior to September 30, 2012, then this Section 5 shall automatically expire on September 30, 2012. Said expiration of this Section 5 shall not be deemed to expire or terminate, or to be notice of intent to expire or terminate, the remainder of the Agreement or the remainder of this First Amendment, which shall remain in full force and effect unless terminated in accordance with the provisions of Section 9 of Article III of the Agreement.

The Village shall invoice the County 15 days prior to the due date each year. The County shall make payments to the Village in accordance with the Local Government Prompt Payment Act, Section 218.70, et. seq., Florida Statutes, as it may be amended from time to time.

Emergency medical services/transport provided by the Village shall be governed by Chapter 13, Article II, Division I, of the Palm Beach County Code, and the rules and regulations promulgated thereunder, all as may be amended from time to time. Notwithstanding anything herein to the contrary, should the Village services contemplated by this Section 5 require a COPCN, then this Section 5 shall be contingent upon the Village obtaining and maintaining any and all such required COPCNs, and the Village agrees to take all necessary actions to obtain and maintain such.

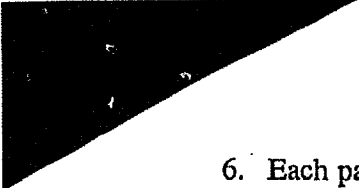
3. The Agreement is hereby amended to revise Section 8 of Article III to read as follows:

ARTICLE III: GENERAL CONTRACT TERMS

.

Section 8. Effective Date and Term: This Agreement shall take effect upon approval by both parties and continue through September 30, 2021, unless sooner terminated as provided herein.

4. This First Amendment shall take effect upon approval by both parties.
5. Except as specifically modified herein, all terms and conditions of the Agreement are hereby confirmed and shall remain in full force and effect; provided, however, that in the event of any conflict, inconsistency, or incongruity between the provisions of this First Amendment and the provisions of the Agreement, this First Amendment shall control.

- 
6. Each party's performance and obligation under the Agreement and this First Amendment is contingent upon an annual budgetary appropriation by its respective governing body for the purposes hereunder.
 7. A copy of this First Amendment shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

[Remainder of this page left blank intentionally]

IN WITNESS WHEREOF, the undersigned parties have executed this First Amendment on the day and year first above written.

ATTEST:
SHARON R. BOCK,
Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
Assistant County Attorney

By: *Al B. Jerald*
Fire-Rescue

ATTEST:

VILLAGE OF TEQUESTA, FLORIDA

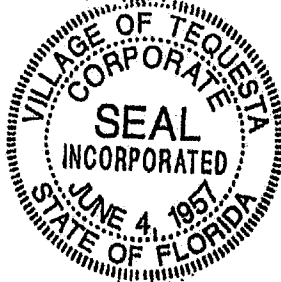
By: *Deanna Mayo for Jose McWilliams*
Village Clerk

By: *Pat Watkins*
Pat Watkins, Mayor

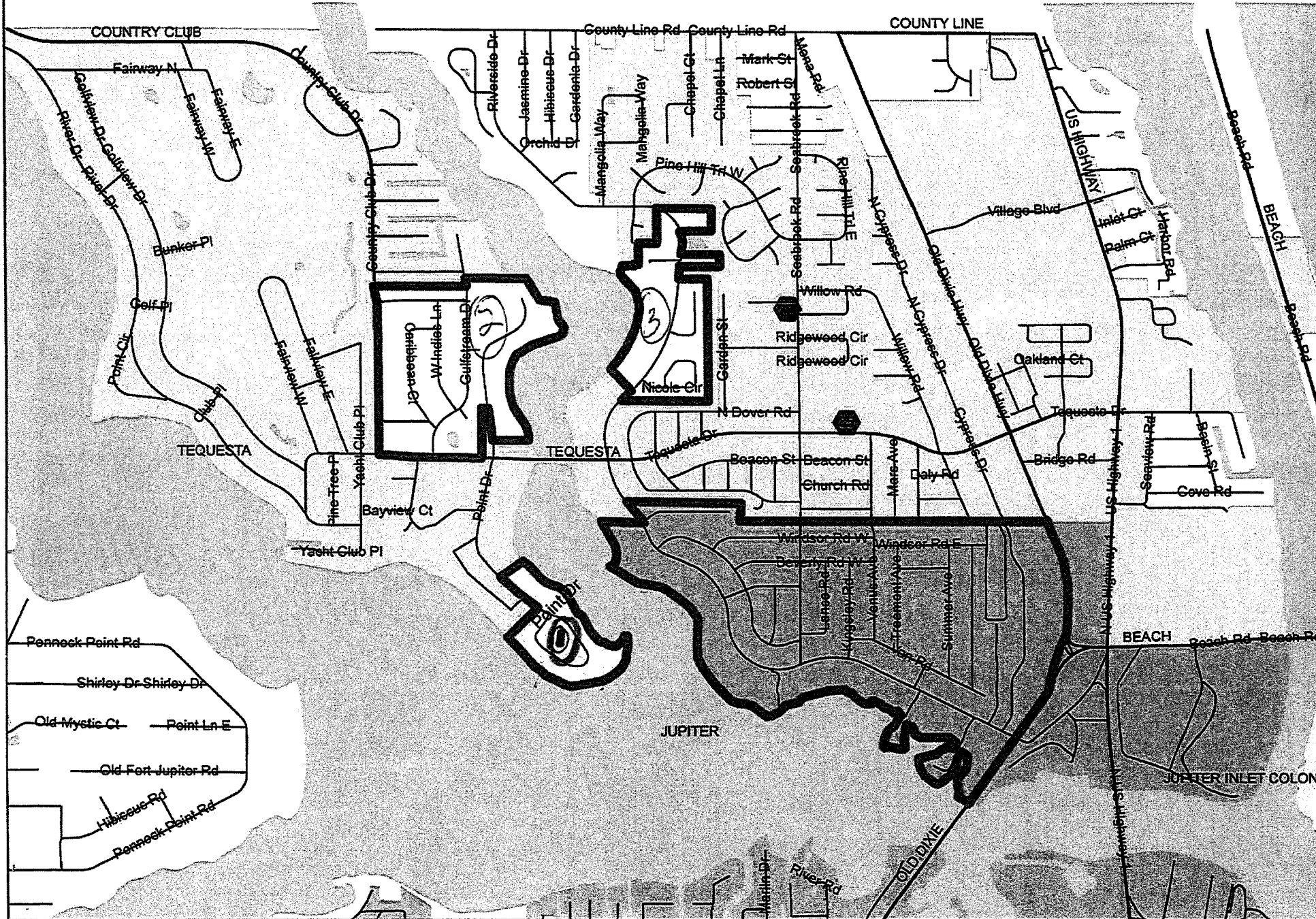
DEANNA MAYO

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: *Judge J. White*
Village Attorney



legal descriptions of these areas.



Area 1

Includes all parcels South of the Village of Tequesta Municipality border, east of Point Drive/Rio Vista Drive along the Loxahatchee River, and back North along Rio Vista Drive to the Tequesta border line

Area 2

Includes all parcels not within the Village of Tequesta municipality boundary; East of Country Club Drive, South to Tequesta Drive, East to the Loxahatchee River, and back north to the Tequesta Line

Area 3

Includes all parcels not within the Village of Tequesta municipality boundary, East of the Loxahatchee River, South to the Tequesta Line (just North of N Dover Rd), East to the Tequesta Line (Just west of Garden St) and back North to the Tequesta Line.

Area 4

All parcels within the city limits of Jupiter, south of the Village of Tequesta boundary line, east to the FEC Railroad Tracks, South to the Loxahatchee River, and back North along the Loxahatchee River to the Tequesta Line

Certificate of Public Convenience and Necessity

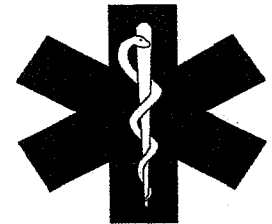
Palm Beach County Emergency Medical Services

WHEREAS, there is a need for Palm Beach County Fire-Rescue to operate and provide essential emergency medical services to the citizens and visitors of Palm Beach County, Florida; and WHEREAS, said agency has applied to provide these services; and WHEREAS, said agency has indicated that it will comply with the requirements of Palm Beach County's Emergency Medical Services Ordinance (#2006-040), the Board of County Commissioners of Palm Beach County hereby issues a Certificate of Public Convenience and Necessity to said emergency medical service provider, valid from January 1, 2005 to December 31, 2010.

In issuing this Certificate, it is understood that the agency named hereon will meet the requirements of all pertinent county and state legislation and will provide emergency medical services on a twenty-four hour basis in the area(s) or zone(s) designated, providing the level of service endorsed as follows:



Area(s): All unincorporated areas of Palm Beach County and those Municipalities that have contracted for service or in a Fire/Rescue MSTU. The incorporated areas of the Towns of Glen Ridge, Juno Beach, Lake Clarke Shores, Cloud Lake, Haverhill, Lantana, Jupiter, Lake Park, South Palm Beach, Manalapan. The Villages of Royal Palm Beach, Wellington and Palm Springs. The City of Lake Worth.



Service Endorsed: Primary ALS Provider – ALS Transport Only. Air Ambulance
(Countywide)


Director, Division of Emergency Management



Chair, Board of County Commissioners

Certificate of Public Convenience and Necessity Palm Beach County Emergency Medical Services

WHEREAS, there is a need for Tequesta Fire Rescue to operate and provide essential emergency medical services to the citizens and visitors of Palm Beach County, Florida; and WHEREAS, said agency has applied to provide these services; and WHEREAS, said agency has indicated that it will comply with the requirements of Palm Beach County's Emergency Medical Services Ordinance (#2006-040), the Board of County Commissioners of Palm Beach County hereby issues a Certificate of Public Convenience and Necessity to said emergency medical service provider, valid from January 1, 2005 to December 31, 2010.

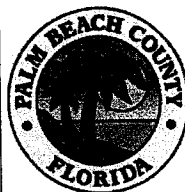
In issuing this Certificate, it is understood that the agency named hereon will meet the requirements of all pertinent county and state legislation and will provide emergency medical services on a twenty-four hour basis in the area(s) or zone(s) designated, providing the level of service endorsed as follows:

Effective October 1, 2009, the Village of Tequesta shall respond as the primary Fire Rescue and Emergency Medical Services and transport within four geographical areas as outlined:


Area 1: Includes all parcels south of the Village of Tequesta's municipal border, east of Point Drive/Rio Vista Drive along the Loxahatchee River and back north along Rio Vista Drive to the Tequesta border line. **Area 2:** Includes all parcels not within the Village of Tequesta's municipal boundary: east of Country Club Drive, south to Tequesta Drive, east to the Loxahatchee River, and back north to Tequesta line. **Area 3:** Includes all parcels not within the Village of Tequesta's municipal boundary, east of the Loxahatchee River, south to the Tequesta line (just north of N Dover Road), east to the Tequesta line (just west of Gardens Street), and back north to the Tequesta line.

Area 4: All parcels within the City limits of Jupiter, south of the Village of Tequesta's boundary line, east to the FEC railroad tracks south to the Loxahatchee River, and back north along the Loxahatchee River to the Tequesta Line.

Service Endorsed: Primary ALS Provider – ALS Transport Only. Air Ambulance
(Countywide)




Director, Division of Emergency Management


Chair, Board of County Commissioners



PALM BEACH NEWSPAPERS, INC.

The Palm Beach Post
2751 S. Dixie Hwy., West Palm Beach, FL 33405
Phone: (561) 820-3106 Fax: (561) 820-4340
FED ID # 58-1633719
legals@pbpost.com

Legal Advertising Invoice

Account #	452342	Advertising Deadlines	
Ad #	4708522	<u>Publish</u>	<u>Deadline</u>
Description:	Not: Public Hearing	Monday	Friday 3PM
Size:	4.75 "	Tuesday	Friday 3PM
Amount:	\$196.08	Wednesday	Monday 3PM
Published:	September 17, 2009	Thursday	Monday 3PM2
		Friday	Wednesday 3PM
		Saturday	Thursday 3PM
		Sunday	Thursday 3PM

PBC Emergency Management Svcs
Lynnette Schurter
20 S. Military Trail
West Palm Beach, FL 33415

ATTACHMENT 5

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA

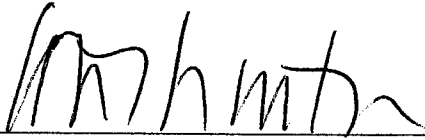
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Public Hearing** was published in said newspaper in the issues of **September 17, 2009**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 17th day of September, A.D. 2009.

Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA



Karen M. McLinton

Commission #DD832672

Expires: NOV. 15, 2012

BONDED THRU ATLANTIC BONDING CO., INC.

NO. 4708522

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held by the Board of County Commissioners of Palm Beach County, Florida, on Tuesday, October 20, 2009 at 9:30 A.M. in the Jane Thompson Memorial Chambers, 6th Floor of the Governmental Center, 301 North Olive Avenue, West Palm Beach, Florida, to amend the Certificate of Public Convenience and Necessity (COPCN) assigned to Palm Beach County Fire Rescue removing four geographical areas previously provided by Palm Beach County Fire Rescue. These four geographical areas shall now be provided by the Village of Tequesta for the period of October 1, 2009 through December 31, 2010. The four geographical areas are as follows:

Area 1: Includes all parcels south of the Village of Tequesta municipal border, east of Point Drive/Rio Vista Drive along the Loxahatchee River, and back north along Rio Vista Drive to the Tequesta border line.

Area 2: Includes all parcels not within the Village of Tequesta municipal boundary: east of County Club Drive, south to Tequesta Drive, east to the Loxahatchee River, and back north to the Tequesta line.

Area 3: Includes all parcels not within the Village of Tequesta municipal boundary, east of the Loxahatchee River, south to the Tequesta line (just north of N Dover Road), east to the Tequesta line (just west of Gardens Street), and back north to the Tequesta line.

If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting of hearing, he will need to have a record of proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Board of County Commissioners
Vince Bonvento, Public Safety Director
Division of Public Safety
PUB: The Palm Beach Post
September 17, 2009