

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 20, 2010

Consent Regular
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

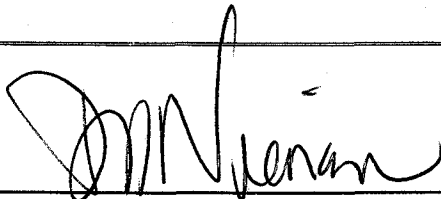
Motion and Title: Staff recommends motion to: adopt a RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DESIGNATING DEPUTY TAX COLLECTORS OF THE PALM BEACH COUNTY TAX COLLECTOR AS AGENTS OF THE COUNTY TO ENFORCE CHAPTER 17, ARTICLE II OF THE PALM BEACH COUNTY CODE, THE BUSINESS TAX ORDINANCE UTILIZING THE CODE ENFORCEMENT PROCESSES PROVIDED IN CHAPTER 8.5 OF THE PALM BEACH COUNTY CODE AND ARTICLE 10 OF THE UNIFIED LAND DEVELOPMENT CODE.

Summary: The resolution designates Deputy Tax Collectors as agents of the County for the purpose of enforcing the Business Tax Ordinance. Deputy Tax Collectors will act as Code Enforcement Officers to enforce the Business Tax Ordinance utilizing the Code Enforcement Special Master Process and the Code Enforcement Citation System Ordinance. (RPB)

Background and Justification: The Business Tax Ordinance provides for enforcement of the ordinance by several methods including the Code Enforcement Special Master Process and Code Enforcement Citation System Ordinance. The Tax Collector has requested the Board adopt this resolution which authorizes Deputy Tax Collectors, who are already enforcing the Business Tax Ordinance, with the authority to act as code enforcement officers for the purpose of enforcing the Business Tax Ordinance.

Attachments:

- 1. Resolution

Recommended by:  3/26/10
County Attorney Date

Approved by: N/A _____
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u> * </u>	_____	_____	_____	_____
# 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:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

* No fiscal impact.

OFMB 3/30/10
SN 3/29/10 3/29/10

Contract Development and Control 3/30/10

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

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

RESOLUTION NO. R-2010-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DESIGNATING DEPUTY TAX COLLECTORS OF THE PALM BEACH COUNTY TAX COLLECTOR AS AGENTS OF THE COUNTY TO ENFORCE CHAPTER 17, ARTICLE II OF THE PALM BEACH COUNTY CODE, THE BUSINESS TAX ORDINANCE UTILIZING THE CODE ENFORCEMENT PROCESSES PROVIDED IN CHAPTER 8.5 OF THE PALM BEACH COUNTY CODE AND ARTICLE 10 OF THE UNIFIED LAND DEVELOPMENT CODE.

WHEREAS, Section 162.04(2) Florida Statutes and Art. 1. I.2.C.40 of the Palm Beach County Unified Land Development Code (ULDC) define "Code Inspector" as "any authorized agent or employee of the county whose duty it is to assure code compliance."

WHEREAS, Section 162. 21(1), Florida Statutes and Chapter 8.5, Art. II, Sec. 8.5-23 of the Palm Beach County Code define "Code Enforcement Officer" as "any designated or authorized employee or agent of the county whose duty it is to enforce or assure compliance with codes and ordinances enacted by the county."

WHEREAS, the Palm Beach County Tax Collector is responsible for collection of the Palm Beach County Business Tax authorized by Chapter 205, Florida Statutes and contained in Chapter 17, Article II of the Palm Beach County Code, the Business Tax Ordinance; and

WHEREAS, Chapter 17, Article II, Section 17-24(e) and (f) of the Palm Beach County Code provides for enforcement of the Business Tax Ordinance by enforcement proceedings before Code Enforcement Special Masters as provided in Article 10 of the ULDC and by the Palm Beach Citation System Ordinance as provided in Chapter 8.5 of the Palm Beach County Code; and

WHEREAS, the Board of County Commissioners has determined that it is appropriate to designate Deputy Tax Collectors of the Palm Beach County Tax Collector as agents of the County for the purpose of enforcing Chapter 17, Article II of the Palm Beach County Code, the Business Tax Ordinance.

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

1. The recitals above are hereby incorporated by reference into this resolution.
2. For purposes of this resolution, the terms "Code Inspector" and "Code Enforcement Officer" are interchangeable and for the remainder of this

Resolution, the term "Code Enforcement Officer" means both "Code Inspector" as defined in Section 162.04(2), Florida Statutes and Art. 1 of the ULDC and "Code Enforcement Officer" as defined in Section 162. 21(1), Florida Statutes and Section. 8.5-23 of the Palm Beach County Code.

3. The Board of County Commissioners hereby designate Deputy Tax Collectors of the Palm Beach County Tax Collector as agents of the County for the purpose of acting as Code Enforcement Officers to enforce Chapter 17, Article II of the Palm Beach County Code, the Business Tax Ordinance through the code enforcement mechanisms referenced in Section 17-24(e) and (f) of the Palm Beach County Code.

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

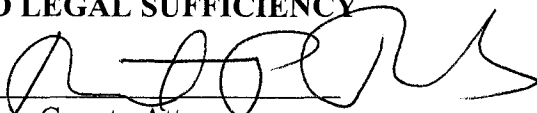
The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2010.

**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: 
County Attorney