

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	* _____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

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

Reporting Category _____

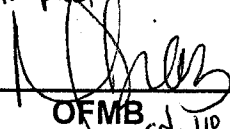
B. Recommended Sources of Funds/Summary of Fiscal Impact:


C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

* no fiscal impact

 _____ 4/15/2010
OFMB 5/15/10 4/15/10

 _____ 4/15/10
Contract Development and Control

B. Legal Sufficiency:

 _____ 3/23/10
Assistant County Attorney

C. Other Department Review:

Department Director

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

Background and Policy Issues: (Continued from Page 1)

If the County establishes that there is significant governmental interest, such as safety, it is likely the County can successfully prohibit individuals or groups from using the travel lanes and medians of County rights-of-way. With this approach however, First Amendment considerations require that the County leave open an alternate channel for communication, such as sidewalks or shoulders. Therefore, the following discussion involves individuals and/or organizations soliciting contributions of funds from, or the distribution of goods or materials to, motor vehicles traveling on County roads in unincorporated County (hereinafter Right-of-Way Activities).

With the exception of the County's Roadside Vendor's Ordinance, which regulates commercial vendors selling certain items from the shoulder area of the rights-of-way, there are no ordinances regulating Right-of-Way Activities. Existing State law prohibits the obstruction of any public street or highway by standing or approaching motor vehicles or by endangering the safe movement of vehicles or pedestrians.

If the County finds that Right-of-Way Activities raise safety issues, and allows an alternate channel for the communication, the Board can impose time, place and manner restrictions on Right-of-Way Activities. The Board's options are as follows:

Option 1: Prohibit Right-of-Way Activity on County Roads. Adopt an ordinance regulating all Right-of-Way Activities by prohibiting such activities on medians and travel lanes on County roads. This option would prohibit Right-of-Way Activities by anyone standing on the medians and roadways of County roads in unincorporated County. There will be no exemptions for certain individuals or groups. However, this option would still allow use of the rights-of-way outside the travel lanes.

Option 2: Allow Right-of-Way Activity but regulate the time, place and manner. Adopt an ordinance allowing Right-of-Way Activities with certain restrictions as to time, place and manner on County roads. This option would allow Right-of-Way Activities, but only at specified times and locations in a manner consistent with safe use of the right-of-way. This option will require that an alternate channel for the communication is available and that the regulation is content neutral and narrowly tailored to serve a governmental interest. This option would require staff to develop specific procedures and guidelines.

Option 3: Seek Increased Enforcement of State Law on State Rights-of-Way. This third option would focus on State roads and seek increased enforcement of State laws governing activities on State rights-of-way. Statutes are in effect now that authorize and direct law enforcement agencies to enforce laws prohibiting the use of State roads by individuals engaged in the types of activities discussed above. This option would require involvement by the Palm Beach County Sheriff's Office, and no ordinance would be adopted at this time.

Board direction is requested on the following:

Implement Option 1, 2 or 3.

1. If the Board chooses Option 1, staff requests that the Board direct Staff to prepare an ordinance prohibiting Right-of-Way Activities.
2. If the Board chooses Option 2, staff will develop specific procedures and guidelines to implement and bring back to the Board.
3. If the Board chooses Option 3, staff will take no action on County roads and request the Sheriff to enforce existing laws which do not allow this kind of activity on State rights-of-way.