

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 17, 2010 [XX] Consent [] Regular [] Ordinance [] Public Hearing

Department Submitted By: PALM BEACH COUNTY HEALTH DEPARTMENT

Submitted For: ENVIRONMENTAL PUBLIC HEALTH

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2010/2011 budget for the Air Pollution Control Program.

Summary: This Resolution is required by the August 21, 1984, Agreement between the Board of County Commissioners and the Palm Beach County Health Department (PBCHD) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This program is solely supported by motor vehicle license registration fees. The proposed FY 2010/2011 budget for the Air Pollution Control Program from this funding source is \$960,000 which is a slight decrease (<0.5%) over the current year. This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (GB)

Background and Justification: In 1983, the State Legislature enacted Section 320.03(6), Florida Statutes, which provided for an additional fifty cent (50¢) motor vehicle license registration fee for the control of air pollution in the State. If this fee is collected in counties with approved air pollution control programs, such as the existing Health Department Program, then it is returned to a trust fund established by the county. This Statute also requires that these funds be used only for air pollution control purposes. Therefore, the County entered into an agreement with the PBCHD authorizing the Health Department Air Pollution Control Program to act on behalf of Palm Beach County, and to establish an Air Pollution Control Trust Fund to support such a program. The Resolution, No. R-84-1196, was adopted on August 21, 1984 (Attachment 3).

The 1990 State Legislature amended Section 320.03(6), Florida Statutes, to increase the registration fee to one dollar (\$1.00) for support of air pollution control activities. (Continued)

- ATTACHMENTS: 1. Proposed Resolution approving FY 2010/2011 Budget 2. FY 2010/2011 Air Pollution Control Program Budget 3. Resolution No. R-84-1196

Recommended By: [Signature] Department Director Date: 7/26/10

Approved By: [Signature] Assistant County Administrator Date: 7/30/10

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years 11 ___ 12 ___ 13 ___ 14 ___ 15 ___

Capital Expenditures _____

Operating Costs _____

Operating Revenues _____ * See below _____

Is Item Included In Current Budget? Yes ___ No ___

Budget Account No: Fund ___ Agency ___ Org ___ Object ___

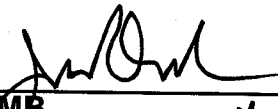
Reporting Category _____

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

III. Review Comments:


A. OFMB Fiscal and/or Contract Administration Comments:

* There is no fiscal impact on this item.


OFMB
7/28/10
7/29/10


Contract Administration 7/29/10

B. Legal Sufficiency:


Assistant County Attorney 7/29/10

C. Other Department Review:

Department Director

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

AGENDA ITEM SUMMARY

Background And Justification (Continued):

Section 320.03(6), Florida Statutes, was further amended to provide that an approved local air pollution control program is eligible to receive an additional twenty-five cents (25¢) from the fee, a total of seventy-five cents (75¢), provided the local air pollution control trust fund has an unencumbered balance not exceeding 50% of the previous year's revenue allocation. The fund balance as of September 30, 2009 was close to the seventy-five cents (75¢) eligibility level. The proposed FY 2010/2011 budget will exceed previous year revenues by approximately 6.3%, and thereby reduce the balance in the Air Pollution Control Trust Fund to ensure continued funding at the 75¢ level.

RESOLUTION NO. 10-

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, ADOPTING THE FY 2010/2011
BUDGET FOR THE AIR POLLUTION CONTROL
PROGRAM.**

**WHEREAS, on August 21, 1984, the Board of County
Commissioners entered into an agreement with the Palm Beach
County Health Department to continue an Air Pollution
Control Program and establish an Air Pollution Control
Trust Fund pursuant to Sections 403.182 and 320.03(6),
Florida Statutes; and**

**WHEREAS, the Agreement requires the Health Department
to submit a budget to the County on an annual basis; and**

**WHEREAS, the projected budget for the expenditure
of monies deposited into the Air Pollution Control Trust
Fund for FY 2010/2011 is as follows:**

<u>Program Component</u>	<u>Annual Cost</u>
(1) Personnel Salaries	\$403,567
(2) Fringe Benefits	\$153,355
(3) Travel	\$ 5,000
(4) Training	\$ 1,000
(5) Communications	\$ 7,500
(6) Utilities	\$ 29,560
(7) Postage	\$ 250
(8) Printing	\$ 4,000
(9) Contractual	\$ 1,500
(10) Supplies & Maintenance	\$ 9,000
(11) Motor Pool	\$ 26,500
(13) Office Supplies	\$ 6,000
(14) Subscriptions	\$ 200
(15) Promotional Items	\$ 900
(16) Other	\$150,000
(17) Division Administrative Support	\$ 50,000
(17) Legal Support	\$ 17,500
(17) Indirect Costs	\$ 91,168
(18) Capital Items (>\$1,000)	\$ 3,000
Total Cost	\$960,000

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF
COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that
the projected budget of the Air Pollution Control Program
as set forth herein is hereby adopted, subject to final
adoption of the Palm Beach County FY 2010/2011 Budget.**

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:

COMM. BURT AARONSON, CHAIR	_____
COMM. KAREN MARCUS, VICE CHAIR	_____
COMM. JOHN F. KOONS	_____
COMM. SHELLEY VANA	_____
COMM. STEVEN L. ABRAMS	_____
COMM. JESS R. SANTAMARIA	_____
COMM. PRISCILLA TAYLOR	_____

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

APPROVED AS TO FORM
& LEGAL SUFFICIENCY:

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK AND
COMPTROLLER

BY: _____
COUNTY ATTORNEY

BY: _____
(CLERK)

Attachment 2

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2010/2011

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT		DIVISION ENVIRONMENTAL HEALTH & ENGINEERING
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	SALARIES	30% ENVIRONMENTAL ADM.	\$21,366
		25% ENVIRONMENTAL MANAGER	\$30,729
		100% ENVIRONMENTAL SUPV. II	\$48,934
		90% ENVIRONMENTAL SPEC. II	\$33,792
		100% ENVIRONMENTAL SPEC. II	\$40,269
		100% ENVIRONMENTAL SPEC. II	\$36,608
		90% ENVIRONMENTAL SPEC. II	\$33,792
		10% PROFESSIONAL ENGINEER II	\$6,190
		30% ENGINEER III	\$14,913
		27% SENIOR CLERK	\$7,628
		50% ENVIRONMENTAL SPEC. III	\$21,674
		54% ENVIRONMENTAL SPEC. III	\$25,398
		40% ENVIRONMENTAL MANAGER	\$20,367
		10% ENVIRONMENTAL SPEC. III	\$4,331
		90% ENVIRONMENTAL SPEC. II	\$36,242
		5% ENVIRONMENTAL SPEC. II	\$1,922
		10% SR. SANITARIAN & SAFETY SPEC.	\$4,569
		15% ENVIRONMENTAL ADM.	\$12,197
		10% ACCOUNTANT	\$2,646
		SUB-TOTAL	\$403,567

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2010/2011

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT	DIVISION ENVIRONMENTAL HEALTH & ENGINEERING	
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	FRINGE	30% ENVIRONMENTAL ADM.	
		25% ENVIRONMENTAL MANAGER	
		100% ENVIRONMENTAL SUPV. II	
		90% ENVIRONMENTAL SPEC. II	
		100% ENVIRONMENTAL SPEC. II	
		100% ENVIRONMENTAL SPEC. II	
		90% ENVIRONMENTAL SPEC. II	
		10% PROFESSIONAL ENGINEER II	
		30% ENGINEER III	
		27% SENIOR CLERK	
		50% ENVIRONMENTAL SPEC. III	
		54% ENVIRONMENTAL SPEC. III	
		40% ENVIRONMENTAL MANAGER	
		10% ENVIRONMENTAL SPEC. III	
		90% ENVIRONMENTAL SPEC. II	
		5% ENVIRONMENTAL SPEC. II	
		10% SR. SANITARIAN & SAFETY SPEC.	
		15% ENVIRONMENTAL ADM.	
		10% ACCOUNTANT	
		SUB-TOTAL Note: FRINGE BASED ON 38.0% OF SALARY	\$153,355

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2010/2011

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT		DIVISION ENVIRONMENTAL HEALTH & ENGINEERING
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	TRAVEL	Travel costs to attend meetings, conferences, and training courses; per diem and private car expenses.	\$5,000
	TRAINING	Employee development (Registration Fees).	\$1,000
	COMMUNICATIONS	Telephone, cellular phones, & pagers.	\$7,500
	UTILITIES	Electric, water and waste disposal costs and building maintenance & security.	\$29,560
	POSTAGE	Mailing of correspondence, shipping & freight.	\$250
	PRINTING	Reports, brochures, visual aids, video & photography, and copying.	\$4,000
	CONTRACTUAL	Costs related to equipment maintenance, and service contracts for air monitoring trailers.	\$1,500
	SUPPLIES, MAINTENANCE & REPAIRS, AND LABORATORY SERVICES	Costs related to repairs, maintenance and replacement of air monitoring equipment, equipment used to conduct inspections, laboratory analysis for special air samples and fuel samples.	\$9,000
	MOTOR POOL	Costs for operating section vehicles, including fuel, maintenance & repair and monthly leases.	\$26,500
	OFFICE SUPPLIES	Items necessary for operation of office, laboratory and monitoring sites; office computers and computer software included.	\$6,000
		SUB-TOTAL	\$90,310

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 20010/2011

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT	DIVISION ENVIRONMENTAL HEALTH & ENGINEERING	
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	SUBSCRIPTIONS AND REFERENCE MATERIALS	Costs of periodicals, professional organizations, books and reference materials.	\$200
	PROMOTIONAL ITEMS	Purchase of small items for public distribution to promote air quality. Purchases will be consistent with PBC Policy #PPM CW-F-019.	\$900
	CAPITAL ITEMS >\$1,000	2 Field Laptop Computers	\$3,000
	LEGAL SUPPORT	Support from PBCHD attorney's office for permitting challenges and enforcement actions.	\$17,500
	OTHER	Matching money required to receive Federal air program funding for FY/11 from the U.S. Environmental Protection Agency.	\$150,000
	DIVISION ADM SUPPORT	Direct administrative support services for purchasing, records retention, data management and personnel actions.	\$50,000
	INDIRECT COSTS	Support services from Human Resources, Finance & Accounting, Data Management and Purchasing. Based on DOH/federal indirect cost agreement 16.37% of salary & fringe.	\$91,168
		SUB-TOTAL	\$312,768
		BUDGET TOTAL	\$960,000

ATTACHMENT 3
RESOLUTION NO. R-84-1196

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA APPROVING THE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE PALM BEACH COUNTY HEALTH DEPARTMENT AND AUTHORIZING THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE AIR POLLUTION CONTROL TRUST FUND PURSUANT TO FLORIDA STATUTE 320.03(6)

WHEREAS, Palm Beach County recognizes the need for the control of air pollution; and

WHEREAS, Palm Beach County currently has in effect an Environmental Control Ordinance, Ordinance No. 78-5, as amended, which provides for the adoption by reference of all State Air Pollution rules; and

WHEREAS, the Air Pollution Control Program in the Health Department is an approved and certified program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control Ordinance.

WHEREAS, it is necessary for the parties to enter into a contractual agreement to delineate their responsibilities and obligations.

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

The above statements are hereby affirmed and the Palm Beach County Health Department Air Pollution Control Program is authorized to act as the local Air Pollution Control Program on behalf of Palm Beach County, and the Clerk of the Board of County Commissioners is authorized to accept and transfer funds from the Department of Environmental Regulation Air Pollution Control Trust Fund to a County Air Pollution Control Trust Fund for the support of such a program in accordance with Florida Statute 320.03(6).

Be it further resolved that the agreement between Palm Beach County and the Palm Beach County Health Department, a copy of which is attached hereto and made a part hereof, is approved and the Chairman and Clerk of the Board of County Commissioners are hereby authorized to execute said contract on behalf of Palm Beach County.

The foregoing Resolution was offered by Commissioner Wilken who moved its adoption. The motion was seconded by Commissioner Koehler and being put to a vote, the vote was as follows:

KEN SPILLIAS	Aye
DOROTHY WILKEN	Aye
PEGGY B. EVATT	Aye
DENNIS P. KOEHLER	Aye
BILL BAILEY	Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 21st day of August 1984.

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

JOHN B. DUNKLE, CLERK

By: *Keith S. Conpton*
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Blair J. ...
County Attorney

Florida Statute 320.03(6), Florida Administrative Code Chapter 17-2.820, and generally accepted accounting procedures and principles Exhibit 1 is attached hereto as a summary example of the accounting procedure to be utilized.

5. The Health Department will submit semi-annual written reports to the County setting forth the goals, objectives and accomplishments of the Local Air Pollution Control Program.

6. The Health Department shall submit a proposed budget to the County on an annual basis, the first of which is attached hereto as Exhibit 2 and made a part hereof.

7. This agreement shall become effective on the date last signed by the parties below.

8. This agreement may be terminated by either party upon 30 days written notice given by either party to the other prior to the proposed date of termination.

9. Health Department shall indemnify and hold harmless County from liability of any kind, including cost expenses for or on account of any suits, actual or threatened, or damages arising out of acts of its employees or program participants during the period of this agreement.

IN WITNESS WHEREOF, the parties have caused this two page agreement to be executed by their officials thereunto duly authorized.

PALM BEACH COUNTY HEALTH DEPARTMENT

BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA

BY: C.L. Brumback, M.D.
Director
per Julius Jara

BY: Klu Apollonia
Chairman

JOHN B. DUNKLE, CLERK

BY: Ruth H. Compton
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Henry J. T...
COUNTY ATTORNEY

AN AGREEMENT BETWEEN PALM BEACH COUNTY AND
THE PALM BEACH COUNTY HEALTH DEPARTMENT FOR
THE CONTROL OF AIR POLLUTION

THIS AGREEMENT, made and entered into at West Palm Beach, Florida, on this 21st day of August 1984, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida hereinafter referred to as "County", and the PALM BEACH COUNTY HEALTH DEPARTMENT, a Health Unit of the State Department of Health and Rehabilitative Services, hereinafter referred to as "Health Department".

WHEREAS, the County desires to establish an Air Pollution Control Program; and

WHEREAS, the Health Department Air Pollution Control Program is an approved program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs, relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control.

NOW THEREFORE, in consideration of the premises and the mutual premises and undertakings contained herein, and for other good and valuable consideration, the parties hereby agree as follows:

1. The County will adopt the existing Health Department Air Pollution Control Program as the approved local Air Pollution Control Program specified in Florida Statute 320.03(6)

2. The Health Department will administer said local program in accordance with the mandates set forth in Florida Statute 320.03(6); Florida Statute 403; and the Palm Beach County Environmental Control Ordinance.

3. The County shall establish a local Air Pollution Control Trust Fund in accordance with Florida Statute 320.03(6).

4. The County shall disburse monies from said Trust Fund to the Health Department, and the Health Department will utilize and account for said funds, in accordance with the provisions of