

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 20, 2011 [] Consent [X] Regular
[] Workshop [] Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) Adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the Airport Rules and Regulations (R-98-220, as amended) as codified in Appendix B of the Palm Beach County Code; amending definitions; providing for regulation of ground transportation services; providing for promulgation of rules and regulations; providing for severability; superseding Resolution 2010-1462 to the extent of any conflict; providing for codification; providing for an effective date.

B) Direct the Clerk of the Board to deliver a copy of the Resolution amending the Airport Rules and Regulations to the Municipal Code Corporation for codification upon receipt of an affidavit that the posting requirements of Section 332.08(2)(b), Florida Statutes, have been satisfied.

Summary: This Resolution amends the Airport Rules and Regulations to authorize vehicle for hire companies to drop off customers at the Palm Beach International Airport (PBIA) without a ground transportation permit or decal. Vehicle for hire companies desiring to pick up customers at PBIA will remain obligated to obtain an airport ground transportation decal/permit. Countywide (AH)

Background and Policy Issues: On September 14, 2010, the Board adopted Resolution R-2010-1461, amending the Airport Rules and Regulations to provide for issuance of ground transportation permits to vehicle for hire companies operating at PBIA. The Board also adopted Resolution R-2010-1462 authorizing the Division of Consumer Affairs to administer the permitting process on behalf of the Department of Airports and establishing a fee schedule for issuance of airport ground transportation permits/decals. All vehicle for hire companies operating on PBIA, whether picking up or dropping off a customer, were required to obtain an airport transportation permit/decal. This Resolution modifies those requirements to authorize vehicle for hire companies to drop off customers at PBIA without first obtaining an airport ground transportation permit/decal.

Attachments:

- 1. Resolution (1)

Recommended By: [Signature] 11/2/11
Department Director Date

Approved By: [Signature] 11/2/11
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<i>* see below</i>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X
 Budget Account No: Fund 4100 Department 120 Unit 8340 RSRC 6999
 Reporting Category _____

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

Vehicle for hire companies are required to pay a \$75.00 per vehicle airport ground transportation permit/decals fee. Permit/decals are issued on a biennial basis. Current permits/decals are valid through December 31, 2012. The Division of Consumer Affairs retains 1/3 of the permit/decals fees collected and remits the remainder to the Department. Vehicle for hire companies desiring to drop off customers only will no longer be required to obtain a permit/decals. The Department does not maintain statistical information on how many vehicle for hire companies engage in drop-off only operations at PBIA; however, it is believed that only a small number of companies would fall into this category. ** Based on the lack of statistical information, the Department is unable to determine the fiscal impact of this item.*

C. Departmental Fiscal Review: *M. Simon*

III. REVIEW COMMENTS

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

[Signature] 11/8/11
 OFMB VA 11/7/11
[Initials]

[Signature] 11/15/11
 Contract Dev. and Control
 11-15-11 *[Signature]*

B. Legal Sufficiency:

Anne DeLeon 11/16/11
 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. R-2011-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE AIRPORT RULES AND REGULATIONS (R-98-220, AS AMENDED) AS CODIFIED IN APPENDIX B OF THE PALM BEACH COUNTY CODE; AMENDING DEFINITIONS; PROVIDING FOR REGULATION OF GROUND TRANSPORTATION SERVICES; PROVIDING FOR PROMULGATION; PROVIDING FOR SEVERABILITY; SUPERSEDING RESOLUTION NO. 2010-1462 TO THE EXTENT OF ANY CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County, through its Department of Airports, owns and operates the Palm Beach International Airport ("PBI A"), Palm Beach County Park Airport, Palm Beach County Glades Airport, and the North County General Aviation Airport; and

WHEREAS, Section 332.08, Florida Statutes, provides that where a County operates one or more airports, its regulation for the government thereof shall be by resolution of the Board of County Commissioners, shall be recorded in the Minutes of the Board and promulgated by posting a copy at the courthouse and at each such airport for four (4) consecutive weeks or by publication once a week in a newspaper published in the county for the same time period; and

WHEREAS, ground transportation service providers utilize PBI A's facilities and roadways to their commercial benefit in furtherance of their business operations; and

WHEREAS, it is necessary to establish regulations for ground transportation service providers desiring access to PBI A in order to regulate the use of PBI A's facilities and roadways; preserve good order and peace at PBI A; provide for the public health, safety and welfare; govern PBI A; help defray the cost of construction, improvement, operation, maintenance and security of PBI A's facilities and roadways; and pay for service and retirement of Airport debts; and

WHEREAS, the Board of County Commissioners desires to allow vehicle for hire operators to drop off customers at PBI A without a ground transportation permit; and

WHEREAS, vehicle for hire operators desiring to pick up customers at PBI A will remain obligated to obtain a ground transportation permit prior to engaging in ground transportation services at PBI A.

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

Section 1. Amendment of Definitions.

Appendix B of the Palm Beach County Code, Article I, Section 1-1, **Definitions**, is hereby amended as follows:

- (z) "Ground transportation permit" shall mean a permit, agreement, decal or other authorization issued by the Department or Palm Beach County Division of Consumer Affairs, on behalf of the Department, to operators of ground transportation services,

shared ride services, courtesy vehicles or vehicles for hire, for the right to access the Airport's roadways ~~for the purpose of picking up customers at the Airport on a pre-arranged basis or dropping off customers at the Airport.~~

Section 2. Commercial Ground Transportation.

Appendix B of the Palm Beach County Code, Article X, Section 10-2, **Commercial Vehicles**, is hereby amended to add the following:

(f) Notwithstanding any provisions of Article 10 to the contrary, vehicle for hire operators shall be permitted to drop off customers at PBI A in locations designated by the Department without a ground transportation permit, but shall remain subject to all other applicable requirements of Article 10. Vehicle for hire operators dropping off customers at PBI A without a ground transportation permit shall not park in locations designated by the Department for holders of ground transportation permits.

Section 3. Promulgation of Rules and Regulations.

The Board of County Commissioners hereby directs that a copy of this Resolution be recorded in the Minutes of the Board and promulgated in accordance with the requirements of Section 332.08(2)(b), Florida Statutes.

Section 4. Severability.

If any section, paragraph, sentence clause or word of this Resolution is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

Section 5. Resolution No. 2010-1462.

Notwithstanding any provision of Resolution No. 2010-1462 to the contrary, Vehicle for Hire Companies shall not be required to obtain an Airport Decal in order to drop off customers at PBI A. Terms set forth in this Section 5 shall have the meanings ascribed to them in Resolution 2010-1462.

Section 6. Codification.

The provisions of this Resolution shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The Sections of the resolution may be renumbered or relettered to accomplish such, and the word "resolution" may be changed to "section", "article", or other appropriate word.

Section 7. Effective Date.

This Resolution shall be effective upon adoption.

(Remainder of page intentionally left blank.)

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:

The Chairman thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2011.

- Commissioner Karen T. Marcus -
- Commissioner Paulette Burdick -
- Commissioner Shelley Vana -
- Commissioner Steven L. Abrams -
- Commissioner Burt Aaronson -
- Commissioner Jess R. Santamaria -
- Commissioner Priscilla A. Taylor -

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: _____
Assistant County Attorney