

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 15, 2012

[] Consent [] Workshop

[X] Regular [] Public Hearing

Submitted By: Administration

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, authorizing the use of Pollution Recovery Trust Fund monies for climate change action planning and environmental sustainability coordination activities; and
B) authorize the Office of Financial Management & Budget to administratively transfer up to \$200,000 from the Pollution Recovery Trust Fund reserves to fund the position and related expenses for a two-year period.

Summary: This resolution will authorize disbursements from the Pollution Recovery Trust Fund for a two-year period to fund a professional staff position for climate change action planning and environmental sustainability coordination. Miscellaneous expenses associated with the position, including travel expenses, as approved by the County Administrator, are also authorized by this Resolution. The position level and work location would be determined by the County Administrator. There are sufficient unobligated funds in the Trust Fund to accommodate this purpose. Countywide (PE).

Background and Justification: On December 15, 2009 (R2009-2170) the Board of County Commissioners adopted the Southeast Florida Regional Climate Change Compact providing for a coordinated climate change strategy with Broward, Miami-Dade and Monroe Counties. Through the Compact, Palm Beach County has committed staff and resources and expertise to participate as a Regional Climate Team with other counties party to the Compact and to the development of a regional climate action plan. Additional staff resources are needed to complete the climate change action planning process and to coordinate environmental sustainability efforts. The Pollution Recovery Trust Fund was created by Resolution R89-576 to serve as a repository for monies collected from enforcement cases initiated by Environmental Resources Management and the Health Department. Disbursements are currently authorized for enhancement of Palm Beach County's environmental resources and pollution control activities. The Board of County Commissioners has the authority to designate additional uses of the fund.

Attachment:

- 1. Proposed Resolution
2. Resolution R89-576
3. Southeast Florida Regional Climate Compact

Recommended by:

N/A

Department Director

Date

Approved by:

[Signature]

Assistant County Administrator

5/8/12

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>\$25,000</u>	<u>\$100,000</u>	<u>\$75,000</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>\$25,000</u>	<u>\$100,000</u>	<u>\$75,000</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Program N/A


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

Pollution Recovery Trust Fund

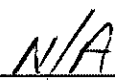
C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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




 OFMB



 Contract Development and Control

B. Legal Sufficiency: *SN 5/8/12 5/12/12 AM 4-27-12*



 Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 10/95
 ADM FORM 01

This summary is not to be used as a basis for payment

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE USE
OF POLLUTION RECOVERY TRUST FUND MONIES FOR
CLIMATE CHANGE ACTION PLANNING AND ENVIRONMENTAL
SUSTAINABILITY COORDINATION ACTIVITIES.**

WHEREAS, on December 15, 2009 (R2009-2170), the Board of County Commissioners adopted the Southeast Florida Regional Climate Change Compact providing for a coordinated climate change strategy with Broward, Miami-Dade and Monroe Counties; and

WHEREAS, the Climate Compact counties have determined that climate action planning and the development of a climate change strategy is necessary to protect public infrastructure, property, water resources, natural areas and native species, and basic quality of life; and

WHEREAS, Palm Beach County has committed staff and resources and expertise to participate in a Regional Climate Team with other counties party to the Compact and to the development of the Southeast Florida Regional Climate Change Action Plan; and

WHEREAS, additional staff resources are needed to complete the Climate Change Action planning process and to coordinate environmental sustainability efforts;

WHEREAS, the Board of County Commissioners on April 4, 1989 (R89-576) created the Pollution Recovery Trust Fund as a repository for monies collected through enforcement cases; and

WHEREAS, disbursements from the Pollution Recovery Trust Fund were authorized for enhancement of Palm Beach County's environmental resources and pollution control activities; and

WHEREAS, sufficient unobligated funding is available in the Pollution Recovery Trust Fund to provide short-term financial support for climate change planning and environmental sustainability coordination activities; and

WHEREAS, the Board of County Commissioners has the authority to designate additional uses of the Pollution Recovery Trust Fund.

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

1. The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof.
2. Disbursements from the Pollution Recovery Trust Fund are authorized for climate change action planning and environmental sustainability coordination as specified in the following citation.
3. Disbursements shall be sufficient to fund, for a two-year period, a professional staff position for the described purpose at the level and location deemed appropriate by the County Administrator. Miscellaneous expenses associated with the position, including travel expenses, are considered authorized expenditures subject to approval by the County Administrator or his designee.

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:

SHELLY VANA, CHAIR

STEVEN L. ABRAMS, VICE-CHAIRMAN

KAREN T. MARCUS

PAULETTE BURDICK

BURT AARONSON

JESS R. SANTAMARIA

PRISCILLA A. TAYLOR

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

PALM BEACH COUNTY, FLORIDA, BY ITS
OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK/COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____

ORIGINAL

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING A LOCAL POLLUTION RECOVERY TRUST FUND IN WHICH TO DEPOSIT MONIES COLLECTED THROUGH ENFORCEMENT CASES AND TO BE USED TO ENHANCE PALM BEACH COUNTY'S ENVIRONMENTAL RESOURCES.

WHEREAS, it is desirable that monies collected in instances of environmental violation be deposited into a Palm Beach County Pollution Recovery Trust Fund; and

WHEREAS, it is desirable that monies collected in instances of environmental violation be applied to the enhancement of Palm Beach County's environmental resources and pollution control activities; and

WHEREAS, it is beneficial to establish a method for resolving enforcement matters in a manner required by the Florida Department of Environmental Regulation, with consideration of future delegation from the state.

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

There is hereby established a Palm Beach County Pollution Recovery Trust Fund, the monies of which shall be disbursed only for enhancement of Palm Beach County's environmental resources and pollution control activities and not for operations and maintenance. Said trust fund shall be kept and maintained in trust by the Board of County Commissioners and shall be disbursed in accordance with the following procedures:

- (1) The Board of County Commissioners shall receive and consider the recommendations of the Director of the Department of Environmental Resources Management and Director of the Palm Beach County Public Health Unit pertaining to the proposed disbursement for a project.

R89 576

(2) Disbursement shall be made only upon the approval of a resolution by the Board of County Commissioners authorizing the Clerk of the Board of County Commissioners to disburse funds for a particular project.

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

COMMISSIONER KAREN MARCUS	<u>AYE</u>
COMMISSIONER CAROL ROBERTS	<u>AYE</u>
COMMISSIONER CAROL ELMQUIST	<u>AYE</u>
COMMISSIONER RON HOWARD	<u>AYE</u>
COMMISSIONER CAROLE PHILLIPS	<u>AYE</u>

The Chair thereupon declared the Resolution duly passed and adopted this 4th day of April, 1989.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jana M. Blair

Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
Assistant County Attorney

R89 576



Southeast Florida Regional Climate Change Compact

RR2009-2170

WHEREAS, there is consensus among the world's leading scientists that global climate change is among the most significant problems facing the world today; and

WHEREAS, Florida is considered one of the most vulnerable areas in the country to the consequences of climate change with Southeast Florida on the front line to experience the impacts of climate change, especially sea level rise; and

WHEREAS, Palm Beach County is located in Southeast Florida and is a neighboring county with Miami-Dade, Broward and Monroe Counties; and

WHEREAS, Palm Beach, Broward, Miami-Dade, and Monroe Counties, herein the four counties that constitute the Southeast Florida Region, share in common a strong quality of life rooted in the region's rich cultural heritage, vigorous economy, and environmental resources of global significance; and

WHEREAS, the aforementioned four counties of Southeast Florida, which represent approximately 30% of the population of the State of Florida, are physically linked one to the other by the Atlantic Ocean coastline and share some of the world's most renowned natural resources such as the Everglades, our unique coral reefs, beautiful beaches, and fragile Keys ecosystem; and

WHEREAS, the four counties of Southeast Florida and their respective populations, totaling more than five million residents, are expected to share in disproportionately high risks associated with climate change due to low land elevations, rising sea level projections, and anticipated increases in tropical storm events; and

WHEREAS, rising sea levels could limit the effectiveness of critical drainage infrastructure, endanger beaches, and coastal natural resources and increase incidents of saltwater intrusion on the Biscayne Aquifer – putting at risk the drinking water supply for the entire population of Southeast Florida; and

WHEREAS, local governments, and the region as a whole, must give significant consideration to adaptation strategies designed to protect public infrastructure, property, water resources, natural areas and native species, and basic quality of life; and

WHEREAS, the aforementioned four counties of Southeast Florida account for a combined Gross Domestic Product of more than \$2.5 billion annually and more than 37% of statewide economic output; and

WHEREAS, while the four counties of Southeast Florida have independently taken steps to address global climate change, all parties recognize that coordinated and collective action on this, the defining issue for Southeast Florida in the 21st Century, will best serve the citizens of the region; **NOW THEREFORE**,

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

SECTION 1: That Palm Beach County shall work in close collaboration with the aforementioned counties of Southeast Florida party to this compact to develop a joint policy position urging the United States Congress to pass legislation that recognizes the unique vulnerabilities of Southeast Florida to the impacts of climate change and to further a joint policy position that includes specific recommendations regarding the allocation of federal climate change funding based on vulnerability to climate change impacts. Such recommendations might include designation of areas of Southeast Florida as uniquely vulnerable and of federal interest for the purpose of securing enhanced levels of federal participation in regional adaptation projects.

SECTION 2: That Palm Beach County shall work in close collaboration with the other counties party to this compact to develop additional legislative policy statements relating to global climate change and future legislation to be considered by the Congress of the United States for transmittal to the Congressional Delegation representing, in part or in whole, districts within the area covered by this compact.

SECTION 3: That Palm Beach County shall work in close collaboration with other counties party to this compact in developing joint position statements on proposed State legislation and energy/climate policies including but not limited to issues such as the region's energy and climate security and a renewable energy portfolio standard that defines renewable energy sources as wind, solar, geothermal, biomass, landfill gas, qualified hydropower, and marine and hydrokinetic energy, and also including nuclear energy, and to collaborate on other emerging energy/climate issues that may be considered by the 2010 Florida Legislature for transmittal to the Legislative Delegation representing, in part or in whole, districts within the area covered by this compact.

SECTION 4: That Palm Beach County shall work with other counties party to this compact in developing joint position statements for future State legislation that may be considered by the Florida Legislature for transmittal to the Legislative Delegation representing, in part or in whole, districts within the area covered by this compact.

SECTION 5: That Palm Beach County shall commit appropriate staff resources and expertise, within budget constraints, to participate in a Regional Climate Team with other counties party to this compact toward the development of a Southeast Florida Regional Climate Change Action Plan.

SECTION 6: That Palm Beach County shall work with other counties party to this compact in developing a Southeast Florida Regional Climate Change Action Plan, understanding that no county will work at cross-purpose with the other counties. The Action Plan could, at a minimum, include the following components:

- (a) A baseline of greenhouse gas emissions for Southeast Florida;
- (b) Strategies for coordinated emission reductions throughout the built environment to include the use of energy efficiency, energy conservation, and the use of demand-side renewable energy resources;
- (c) Strategies for coordinated emission reductions from the transportation sector to include increased reliance on public transit, emerging vehicle technologies, and advanced biofuels;
- (d) Strategies for coordinated emission reductions resulting from changes in local and regional land use;
- (e) Strategies for the coordinated regional preparation for and adaptation to a rapidly changing global environment based upon regional mapping of projected sea-level rise and any resulting amplification of localized impacts of tropical cyclone events. Such strategies shall incorporate climate preparation concerns for the regional economy, regional infrastructure and the built environment, social and cultural needs, and natural systems within the four counties party to this compact.

SECTION 7: That Palm Beach County shall commit to participating with other counties party to this compact in hosting the Second Southeast Florida Regional Climate Change Summit in October, 2010.

SECTION 8: EFFECTIVE DATE.

This Compact shall become effective upon adoption by the majority vote of the Board of County Commissioners, Palm Beach County, Florida.

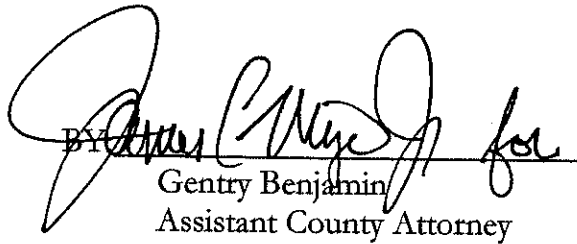
The foregoing Compact was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Vana, and upon being put to vote, the vote was as follows:

Commissioner Karen Marcus, District 1	<u>Aye</u>
Commissioner John F. Koons, District 2	<u>Aye</u>
Commissioner Shelley Vana, District 3	<u>Aye</u>
Commissioner Steven Abrams, District 4	<u>Aye</u>
Commissioner Burt Aaronson, District 5	<u>Aye</u>
Commissioner Jess Santamaria, District 6	<u>Aye</u>
Commissioner Priscilla Taylor, District 7	<u>Aye</u>

The Chairperson thereupon declared, the Resolution duly passed and adopted this 15th day of December, 2009.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

ATTEST:
SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
Gentry Benjamin
Assistant County Attorney

BY: 
Deputy Clerk

