

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: May 7, 2013 { } Consent { X } Regular  
{ } Workshop { } Public Hearing  
Department:  
Submitted By: Engineering & Public Works  
Submitted For: Roadway Production Division

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends a motion to approve on preliminary reading and advertisement for Public Hearing on Tuesday, June 18, 2013 at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance; amending Section 26-24, Special Assessments; amending Section 26-30.15, Savings Clause; providing for Repeal of Laws in Conflict; providing for Severability; providing for inclusion in the Code of Laws and Ordinances; providing for Captions; providing for Effective Date.

**SUMMARY:** The proposed amendment will amend Chapter 26, Article II, Division 1, known as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance to allow for assessments and collections at a percentage of up to 100% of the total cost of the improvements for all projects. This will allow the Board of County Commissioners the latitude to address unusual situations as they arise without future ordinance changes. Countywide (MRE)

**Background and Policy Issues:** On January 24, 2012 the Board of County Commissioners (Board) approved Ordinance 2012-002, amending the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance to allow the Board to assess road projects currently maintained by Palm Beach County at no less than 50% of the total project costs and to reduce assessments based on the specific project such as a roadway being adjacent to a canal. With the proposed amendment, all project assessments would be set at up to 100% of the total project costs. This will allow the Board the latitude to address unusual situations as they arise without future ordinance changes.

- Attachments:**
- 1. Ordinance – Underline/Strikethrough Copy
  - 2. Proposed Ordinance

Recommended by: Daniel G. Fernandez 4/16/13 [Signature]  
KFS Division Director Date

Approved By: S. T. Webb 4/29/13  
County Engineer Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	-0-*	-0-	-0-	-0-	-0-
# ADDITIONAL FTE	-0-	-0-	-0-	-0-	-0-
POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Acct No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_

Reporting Category \_\_\_\_\_

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

\* No Fiscal Impact.

C. Departmental Fiscal Review: Alice Kovalainen

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

[Signature] 4/24/2013  
OFMB  
4/23 4/25

[Signature] 4/25/13  
Contract Dev. and Control  
4-25-13 B. W. K.

**B. Legal Sufficiency:**

[Signature] 4/25/13  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

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

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ORDINANCE NO. 20\_\_\_\_-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 26, ARTICLE II, DIVISION 1, KNOWN AS THE MUNICIPAL SERVICE TAXING UNIT (MSTU) SPECIAL ASSESSMENT ORDINANCE; AMENDING SECTION 26-24, SPECIAL ASSESSMENTS; AMENDING SECTION 26-30.15, SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida enacted Palm Beach County Code Chapter 26, Article II, Division 1, referred to as the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance which enhanced the efficiency of the County's funding and construction of street improvements and related projects through special assessments; and

**WHEREAS**, there is a recognized need to make revisions to the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance in order to better facilitate and enhance the application of the County's MSTU special assessment process; and

**WHEREAS**, the Board of County Commissioners desires to amend the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance as set forth herein.

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

**Section 1**

The following Sections of the Municipal Service Taxing Unit (MSTU) Special Assessment Ordinance as codified in the Palm Beach County Code Chapter 26, Article II, Division 1, are hereby amended as follows:

**Sect. 26-24. SPECIAL ASSESSMENTS:**

The Board may provide for payment of the costs of any improvement under Section 26-23(a), (b), (c) (d) or (e) of this division by levying and collecting special assessments on the abutting, adjoining, contiguous, or other property specially benefited by the improvements provided herein. The percentage of the cost of improvements under Section 26-23 of this division to be paid by special assessment shall be as follows:

1) up to 100 percent for non-road all projects, 2) 100 percent for road projects involving

1 roads not currently maintained by Palm Beach County, 3) no less than 50 percent for  
2 road projects involving roads currently maintained by Palm Beach County, except as  
3 provided in Section 26-30.13 of this division. For road projects, where one side of the  
4 road is adjacent to a canal; where county owned property exists; or where there are  
5 property(s) whose access to the road has been legally restricted, the County may be  
6 treated as an assessed property owner and may pay its proportionate share of the  
7 assessed amount.

8 **Section 2**

9 **Sect. 26-30.15. SAVINGS CLAUSE:**

10 Notwithstanding the provisions of this division herein repealing Ordinance No. 91-  
11 41 and Ordinance No. 93-26, this division shall not affect or impair the processing and  
12 implementation of any improvement project commenced under the provisions of  
13 Ordinance No. 82-17, 84-5, 86-16, 87-10, 91-41, 93-26, 94-11, ~~and 2008-063-~~ and 2012-  
14 002. All projects initiated under the divisions referenced above shall be deemed valid and  
15 in full force and effect. Further, any money available for use in the units created and  
16 funded under the above-referenced divisions shall be available for use in and transferred  
17 to the corresponding units and trust funds created hereunder.

18 **Section 3**

19 **PROVIDING FOR REPEAL OF LAWS IN CONFLICT:**

20 All local laws and ordinances in conflict with any provisions of this Ordinance are  
21 hereby repealed to the extent of such conflict.

22 **Section 4**

23 **SEVERABILITY:**

24 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is  
25 for any reason held by a Court of competent jurisdiction to be unconstitutional,  
26 inoperative, or void, such holding shall not affect the remainder of this Ordinance.

27 **Section 5**

28 **INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

29 The provisions of this Ordinance shall become and be made a part of the Palm  
30 Beach County Code. The sections of this Ordinance may be renumbered or relettered to  
31 accomplish such, and the word ordinance may be changed to section, article, or other  
32 appropriate word.

1     **Section 6**

2             **CAPTIONS:**

3             The captions, section headings, and section designations used in this Ordinance  
4     are for convenience only and shall have no effect on the interpretation of the provisions of  
5     this Ordinance.

6     **Section 7**

7             **EFFECTIVE DATE:**

8             The provisions of this Ordinance shall become effective upon filing with the  
9     Department of State.

10            APPROVED and ADOPTED by the Board of County Commissioners of Palm  
11    Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

12    **SHARON R. BOCK, CLERK &**  
13    **COMPTROLLER**

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

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18    By: \_\_\_\_\_  
19                **Deputy Clerk**

          By: \_\_\_\_\_  
                  **Steven L. Abrams, Mayor**

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21    **APPROVED AS TO FORM AND**  
22    **LEGAL SUFFICIENCY**

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27    By: \_\_\_\_\_  
28                **Assistant County Attorney**

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31            **EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of**  
32    \_\_\_\_\_, 20\_\_\_\_.

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9 Department of State.

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11 Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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**SHARON R. BOCK, CLERK &  
COMPTROLLER**

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

20 By: \_\_\_\_\_  
21 **Deputy Clerk**

By: \_\_\_\_\_  
**Steven L. Abrams, Mayor**

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**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

31 By: \_\_\_\_\_  
32 **Assistant County Attorney**  
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35 **EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of**  
36 **\_\_\_\_\_, 20\_\_\_\_.**

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