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PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 4, 2014 Consent Regular
 Department: Fire Rescue Public Hearing

I. EXECUTIVE BRIEF

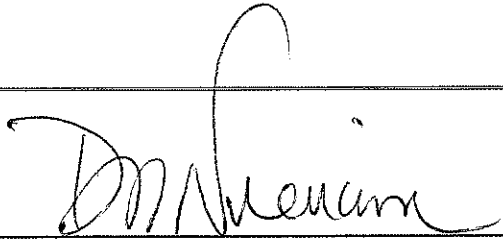
Motion and Title: Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Section 12-57, codifying Palm Beach County Ordinance No. 98-29, as amended, pertaining to the County Fire Code Board of Appeals and Adjustments; incorporating uniform policies and procedures for County advisory boards and providing for an effective date.

Summary: Ordinance No. 98-29, as amended, created the County Fire Code Board of Appeals and Adjustments. The Board adopted Resolution No. 2013-0193, imposing specific requirements on County advisory boards, such as the County Fire Code Board of Appeals and Adjustments. This Ordinance amends County Code Section 12-57 to provide that the uniform policies and procedures in Resolution No. 2013-0193 will apply to the County Fire Code Board of Appeals and Adjustments. Countywide (PFK)

Background and Policy Issues: The revising Ordinance implements the requirements of Resolution No. 2013-0193 and its uniform policies and procedures for the County Fire Code Board of Appeals and Adjustments.

Attachment:

- 1. Ordinance

Recommended by:  12-11-13
Date

Approved by: N/A _____
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u> *	<u>0</u>	<u>0</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 _____
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact: No Fiscal Impact *

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

<p><i>[Signature]</i> 12/13/2013 _____ OFMB 12/13</p>	<p><i>[Signature]</i> 12/17/13 _____ Contract Development and Control 12-17-13 BWhell</p>
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B. Legal Sufficiency:

[Signature] 12/11/13

 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. 2014-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, SECTION 12-57, CODIFYING PALM BEACH COUNTY ORDINANCE NO. 98-29, AS AMENDED, PERTAINING TO THE PALM BEACH COUNTY FIRE CODE BOARD OF APPEALS AND ADJUSTMENTS; INCORPORATING UNIFORM POLICIES AND PROCEDURES FOR COUNTY ADVISORY BOARDS AND PROVIDING FOR AN EFFECTIVE DATE.

14

15 **WHEREAS**, it is vital that government exercise its power and perform its duties in
16 compliance with law, policy, and established procedures, apply sound management practices,
17 and be held accountable for the use of public funds; and

18 **WHEREAS**, the Fire Code Board of Appeals and Adjustments has been established by
19 Palm Beach County Ordinance No. 98-29, as amended, to carry out certain duties and
20 responsibilities on behalf of the Board; and

21 **WHEREAS**, the Board of County Commissioners has adopted Resolution 2013-0193,
22 imposing specific requirements on members of County advisory boards; and

23 **WHEREAS**, as a County advisory board, the Fire Code Board of Appeals and
24 Adjustments is subject to the provisions of Resolution No. 2013-0193; and

25 **WHEREAS**, Palm Beach County Code Section 12-57, codifying Ordinance No. 98-29,
26 as amended, must be amended to comply with the requirements of Resolution No. 2013-0193
27 and Board direction.

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

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32 **Section 1. AMENDMENT TO PALM BEACH COUNTY CODE SECTION 12-57:**

33 1.10 Board of Appeals and Adjustments.

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35 1.10.1 *General.* Whenever it is claimed that the provisions of this Code do not apply or
36 have been misapplied, or when it is claimed that the true intent and meaning of this Code or
37 any of the regulations there under have been misconstrued or misapplied, or when it is claimed
38 that a decision is unreasonable or arbitrary as it applies to alternatives, the owner or his duly
39 authorized agent may appeal the decision of the AHJ to the Board of Appeals and Adjustments.
40 Notice of appeal shall be in writing and filed with the AHJ within thirty (30) days after the
41 decision is rendered by the AHJ. Appeals shall be on forms provided by the AHJ.

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43 1.10.2 *Board of Appeals and Adjustments Created.* There is hereby created a Fire Code
44 Board of Appeals and Adjustments, herein after referred to as the "Board", consisting of eight
45 (8) members who are qualified by training and experience to vary the application of the

1 provisions of this code, and act on related matters, and to perform such other duties as
2 established herein. The Board shall be appointed by the Board of County Commissioners. All
3 members must reside within Palm Beach County at the time of appointment and while serving
4 on the Board and shall be qualified electors of Palm Beach County. The Board shall adopt rules
5 and regulations for conducting its business. A quorum for said Board shall be 5 members of the
6 Board. The AHJ shall designate a representative to act as Secretary to the Board. Public Notice
7 of all Board meetings shall be provided. All Board meetings shall be open to the public and
8 shall comply with the applicable requirements of the Florida "Government in the Sunshine"
9 and "Public Records" laws. Minutes shall be taken at each meeting. The Board shall be subject
10 to the uniform policies and procedures established by the Board of County Commissioners as
11 currently set forth in Resolution No. 2013-0193, as may be further amended by action of the
12 Board of County Commissioners. All Board meetings shall be governed by Robert's Rules of
13 Order. Board members shall be governed by the applicable provisions of the state Ethics Code
14 and the applicable provisions of the Palm Beach County Code of Ethics.

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16 1.10.3 *Recommendations to Board of County Commissioners.* The Board shall review
17 this Code and make recommendations, in the form of specific amendments, to the Board of
18 County Commissioners for corrections, additions, substitutions or deletions to said Code for the
19 purposes of clarification, applicability, public safety, and changes in technology, so as to
20 maintain this Code as an effective and responsive document.

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22 1.10.4 *Composition.* The composition of the Board of Appeals and Adjustments shall be
23 as follows:

- 24
25 a. One (1) registered engineer, practicing in the mechanical field.
26 b. One (1) Florida or Palm Beach County certified general contractor.
27 c. One (1) certified fire alarm contractor.
28 d. One (1) certified fire sprinkler contractor.
29 e. One (1) citizen of Palm Beach County, not eligible under other
30 membership categories.
31 f. One (1) registered architect.
32 g. One (1) Palm Beach County municipal building official.
33 h. One (1) Palm Beach County municipal fire service representative.

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35 Where a member is required to be registered or certified, same shall
36 be issued by the State of Florida unless otherwise specified.

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38 1.10.5 *Vote Calculation.* Each member shall have a full vote.

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40 1.10.6 *Term.* The members shall serve no more than three (3) consecutive three (3) year
41 terms. There shall be no limit on the number of terms an individual may serve. Any vacancy
42 occurring during a term shall be filled for the unexpired portion of the term and shall not count
43 towards the member's term limits. The members terms shall begin on October 1st and end on
44 September 30th. Current members' terms shall expire on September 30th of the year in which
45 their term expires.

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47 1.10.7 *Removal/Absences.* All members shall be subject to the rules, adopted by the
48 Board of County Commissioners, governing Board participation and attendance.

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50 1.10.8 *Fire Code Advisory Board.* When sitting solely in its advisory capacity, the
51 Board shall be known as the Fire Code Advisory Board and shall be composed of the same
52 members as the Board of Appeals and Adjustments. Persons appointed to the Board of Appeals
53 and Adjustments shall be deemed to be likewise appointed to the Fire Code Advisory Board.

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56 **Section 2. REPEAL OF LAWS IN CONFLICT:**

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

1 **Section 3. SEVERABILITY:**

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

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6 **Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

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11 **Section 5. CAPTIONS:**

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

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16 **Section 6. EFFECTIVE DATE:**

17 The provisions of this Ordinance shall become effective upon filing with the
18 Department of State.

19 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
20 County, Florida, on this the ____ day of _____, 20____.

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

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

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25 By: _____
26 Deputy Clerk

By: _____
Mayor

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29 **APPROVED AS TO FORM AND**
30 **LEGAL SUFFICIENCY**

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38 **EFFECTIVE DATE:** Filed with the Department of State on the ____ day of

39 _____, 20____.

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