

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: September 13, 2016

Consent
 Ordinance

Regular
 Public Hearing

Department

Submitted By: HEALTH DEPARTMENT

Submitted For: ENVIRONMENTAL PUBLIC HEALTH

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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 2015/2016 Budget Amendment 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 Department of Health Palm Beach County (DOHPBC) 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 collected by the Florida Department of Environmental Protection (FDEP). The proposed FY 2015/2016 budget Amendment for the Air Pollution Control Program from this funding source is \$60,000. In August 2015, the County approved the 2015/16 budget for the Air Pollution Control Program for \$966,000. This additional \$60,000 is requested support the expenses associated with the vehicle purchase (\$22,000) and the air monitoring station relocation (\$38,000). The budget for the air monitoring station is increased due to the modifications required by the US Environmental Protection Agency. This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. This is a state funding source. The amount is specifically designated by statute for this program and is currently available. Countywide (HH)

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 DOHPBC 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 on page 3)**

ATTACHMENTS:

1. Proposed Resolution approving FY 2015/2016 Budget Amendment
2. FY 2015/2016 Air Pollution Control Program Budget Amendment
3. Resolution No. R-84-1196

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Recommended By:  8/16/16
Department Director Date

Approved By:  8/3/16

Background And Justification (Continued):

Background And Justification: 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. It is estimated that the unencumbered balance at the end of the current fiscal year will be less than 50% of the annual revenue thus making the County eligible to continue receiving funding at the 75¢ level. It is also estimated that annual tag fee revenues will be equivalent to the FY 2015/2016 budget request. Therefore, sufficient funds will be available for this budget.

RESOLUTION NO.

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, ADOPTING THE FY 2015/2016
BUDGET AMENDMENT FOR THE AIR POLLUTION CONTROL
PROGRAM.**

WHEREAS, on August 21, 1984, the Board of County Commissioners entered into an agreement with the Department of Health Palm Beach County 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 AMENDMENT for the expenditure of monies deposited into the Air Pollution Control Trust Fund for FY 2015/2016 is as follows:

<u>Program Component</u>	<u>Annual Cost</u>
(1) Capital Items (>\$1,000)	<u>\$ 60,000</u>
Total Cost	\$ 60,000

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the projected budget AMENDMENT of the Air Pollution Control Program as set forth herein is hereby adopted, subject to final adoption of the Palm Beach County FY 2015/2016 Budget Amendment.

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. MARY LOU BERGER, MAYOR	_____
COMM. HAL R. VALECHE, VICE MAYOR	_____
COMM. PAULETTE BURDICK	_____
COMM. SHELLEY VANA	_____
COMM. STEVEN L. ABRAMS	_____
COMM. MELISSA MCKINLAY	_____
COMM. PRISCILLA A. TAYLOR	_____

The Mayor thereupon declared the Resolution duly
passed and adopted the _____ day of _____,
2016.

APPROVED AS TO FORM
& LEGAL SUFFICIENCY:

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK, CLERK AND
COMPTROLLER

BY: _____
COUNTY ATTORNEY

BY: _____
(CLERK)

Attachment 2

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2015/2016 AMENDMENT

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT PALM BEACH COUNTY HEALTH DEPARTMENT		DIVISION ENVIRONMENTAL PUBLIC HEALTH
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	CAPITAL ITEMS >\$1,000	Air Monitoring Station Relocation (\$38,000) Vehicle (\$22,000)	\$60,000
		TOTAL	\$60,000

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 IT
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

By: *Paul H. Compton*
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Alfred J. ...
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

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 Jules Jarn

BY: Ken Spilliam
Chairman

JOHN B. DUNKLE, CLERK

BY: Ruth H. Compton
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Henry J. ...
COUNTY ATTORNEY

GRANT - FINAL APPROVAL ROUTE SLIP

(Also Use For Revenue Producing M.O.A. i.e. Grants)

INSTRUCTIONS: This route slip is required for execution of all formal grant applications and revenue contracts for services provided by or through the PBCHD. The form is designed for computer input use. Place cursor in area to be edited. Boxes will expand automatically to accommodate response.

The Grant Manager is responsible for securing the signatures & date in the order presented.

1. PBCHD Grant Manager: Laxmana Tallam	Date: 8/12/16
2. Division Director or Program Manager: Timothy Mayer	Date: 8/12/16
3. PBCHD Contract Administrator: Angela Sampson	Date: <input type="checkbox"/> Grant Routing Log 8/16/16
4. PBCHD Chief Financial Officer: Andy Edwards	Date: 8/16/16
5. PBCHD Legal Counsel: Vickie Coleman-Miller or Cathy Linton	Date: 8/16/16
6. PBCHD Director: Alina Alonso, M.D.	Date: 8/16/16
7. IRM (new reporting requirements or computer purchase involved):	Date:

All documents routed with this form must be returned to the Contract Administrator after execution by the Director for submission to the grantor by the Grant Manager. All original Notices of Grant Award and fully executed revenue contracts must be sent to the Contract Administrator upon receipt by the PBCHD for filing and copying to the Grant Manager, CFO and other appropriate staff.

Initiating Center, Division or Program: Environmental Public Health	2016 AUG 12 PM 3:22 RECEIVED
Title of Project Being Funded: 2015-16 Tag Fee Budget AMENDMENT	
Begin/End Dates of Project: 10/01/15 - 9/30/16	
Funder: Palm Beach County	
Type of Document: <input type="checkbox"/> Revenue Producing M.O.A. i.e. Grants <input type="checkbox"/> Grant <input type="checkbox"/> Grant Contract <input type="checkbox"/> Proposal/Letter of Intent <input type="checkbox"/> Grant Application <input checked="" type="checkbox"/> Grant Amendment <input type="checkbox"/> Award Letter	
Grant Status: <input type="checkbox"/> New Grant <input checked="" type="checkbox"/> Continuation/Renewal <input type="checkbox"/> Revision (provide explanation in Comments section)	
Date Executed Agreement or Revision Due to Funder: 8/17/2016	

Service Description and Target Population (e.g., adults, children, HIV+, pregnant, etc.):
 Air pollution control for public health protection, Palm Beach County

Service Location (specify PBCHD location if on-site or geographic area if off-site):
 Countywide

Source of Funding:

Funder: \$60,000
 Cash: \$ Is match mandated? Yes No Cash: In-Kind: Other:
 In-Kind: \$ Specify: | |
 Other: \$ Specify: | |
 TOTAL: \$60,000

FISCAL CODING INFORMATION

Before routing, Grant Manager is responsible for securing proper fiscal coding from assigned Budget Analyst

1. Grant Manager Signature: <i>Laymarie Tallam</i>	Date: 8/16/16
2. Budget Analyst Signature: <i>Rita Spinks</i>	Date: 8/12/16

REVENUE		EXPENDITURES	
E.O	CY	L4/L5	
OCA	APFCY		43371

Budget:

Salary: \$
 Fringe: \$
 OPS: \$
 Expense: \$
 Special Category* \$
 OCO: \$60,000
 Fixed Capital Outlay: \$
 Indirect Cost** \$ |
 In-Kind: \$
 Other: \$ _____
 TOTAL: \$60,000

*Used for services that will be contracted out. Enter the special category number (e.g., 050001-Family Planning; 050026-AIDS Patient Care; 050331-Primary Care).
 **Calculate at 25% of salaries + fringe. If the grantor requires a different methodology, please specify.

Estimated Additional FTE's: 0 (Number of positions needed to provide the services under this grant, either current but vacant due to lack of funding or to be established)

Comments: This budget amendment is requested for air monitoring station relocation expenses (\$38,000) and a vehicle (22,000).