

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	September 27, 2016	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Department:	Fire-Rescue		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: a copy of three municipal ordinances extending participation in the Fire/Rescue Municipal Services Taxing Unit (MSTU) for the following cities:

- A) City of Belle Glade Ordinance No. 16-06, extending the City's participation through December 31, 2020; and
- B) City of Pahokee Ordinance No. 2016-09, extending the City's participation through December 31, 2025; and
- C) City of South Bay Ordinance No. 04-2016, extending the City's participation through December 31, 2025.



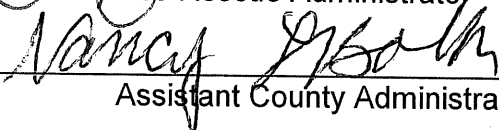
Summary: The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within municipalities that have opted to join the MSTU. The County has provided fire-rescue services to the City of Belle Glade, the City of Pahokee, and the City of South Bay as a part of the Fire/Rescue MSTU since October 1, 2006. On August 1, 2016, the City of Belle Glade adopted Ordinance No. 16-06 to extend their participation in the MSTU through December 31, 2020, for County fire rescue services through FY 2021. On August 9, 2016, the City of Pahokee adopted Ordinance No. 2016-09 to extend their participation in the MSTU through December 31, 2025, for County fire rescue services through FY 2026. On May 17, 2016, the City of South Bay adopted Ordinance No. 04-2016 to extend their participation in the MSTU through December 31, 2025, for County fire rescue services through FY 2026. A copy of each of these ordinances is being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (SB)

Background and Justification: In 2005, the City of Belle Glade (Ordinance No. 05-30, December 19, 2005), City of Pahokee (Ordinance No. 2005-06, November 22, 2005), and City of South Bay (Ordinance No. 13-2005, November 1, 2005) each adopted a municipal ordinance consenting to the inclusion of their City into the Fire/Rescue MSTU for fire rescue services commencing October 1, 2006. On December 20, 2005, the County adopted Ordinance No. 2005-064 to amend the Fire/Rescue MSTU boundaries to include these three cities for the duration of the term identified in each City's consenting ordinance as it may be extended by each City from time to time. Each of these three cities has chosen to remain in the Fire/Rescue MSTU and all have adopted municipal ordinances extending their participation in the Fire/Rescue MSTU. The City of Belle Glade's participation extends for an additional five years, while the City of Pahokee and City of South Bay's participation extends for an additional ten years.

Currently, the following municipalities are included in the Fire Rescue MSTU: Cloud Lake, Glen Ridge, Haverhill, Juno Beach, Lake Clarke Shores, Royal Palm Beach, Wellington, Belle Glade, South Bay, Pahokee, Loxahatchee Groves, Lantana, Palm Springs, Lake Worth, South Palm Beach, and Lake Park.

Attachments:

- 1. City of Belle Glade Ordinance No. 16-06
- 2. City of Pahokee Ordinance No. 2016-09
- 3. City of South Bay Ordinance No. 04-2016

Recommended by:		9/20/16
	Deputy Chief	Date
Approved by:		9/21/2016
	Fire Rescue Administrator	Date
Approved by:		
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	0				
# ADDITIONAL FTE					
POSITIONS (Cumulative)	0				

Is Item Included in Proposed Budget? Yes No

Budget Account No.: Fund ____ Dept ____ Unit ____ Rev Source ____

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

There is no fiscal impact associated with the receipt and filing of each of these City Ordinances. Funding for service to the City of Belle Glade, City of Pahokee and City of South Bay is currently provided from the main Fire/Rescue MSTU (Fund 1300). Extending each of the City's participation in the Fire/Rescue MSTU will not change the amount of revenue received from them for fire-rescue services.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

Susan Park 9/13/16
OFMB 8/29/13 JH
9/13

A. J. Javel 9/26/16
Contract Development and Control
9/26/16 TR

B. Legal Sufficiency

Bruce 9/26/16
Assistant County Attorney

C. Other Department Review:

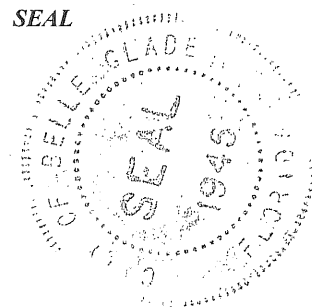
Department Director

**REVISED 9/03
ADM FORM 01**

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Debra R. Buff, MMC
City Clerk

SEAL



ORDINANCE NO. 16-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA; PROVIDING FOR THE CITY'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF BELLE GLADE'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR EFFECTIVENESS AND DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; ACKNOWLEDGING AD VALOREM MILLAGE RATE LIMITATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CAPTIONS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Taxing Units ("MSTU"s), whereby a county may levy a tax within the MSTU for certain essential municipal services, including the provision of fire-rescue services; and

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, a municipality may be included within an MSTU, subject to approval by ordinance of the governing body of the municipality giving consent either annually or for a term of years; and

WHEREAS, Palm Beach County ("County") established an MSTU known as the Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar emergency services), code enforcement and other services necessary and incidental to the purpose for which the MSTU was created; and

WHEREAS, the City of Belle Glade ("City") by Ordinance No. 05-30 consented to its inclusion in the County's Fire/Rescue MSTU for a ten (10) year term through December 31, 2015, as a mechanism to receive and fund County fire-rescue services through September 30, 2016; and WHEREAS, Ordinance No. 05-30 further provided that the City's consent and

inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through September 30, 2016, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by tax year 2015, including but not limited to the enforcement of applicable laws and regulations; and

WHEREAS, the County by Ordinance No. 2005-064 amended the boundaries of the Fire/Rescue MSTU to include the City for the duration of the term identified in City Ordinance No. 05-30, as such term may be extended or modified by the City from time to time; and

WHEREAS, the City Commission of the City of Belle Glade hereby desires to ratify and extend, for an additional five (5) year period from December 31, 2015, through December 31, 2020, its consent to the inclusion of all the territory lying within the municipal boundaries of the City into the County's Fire/Rescue MSTU for County fire-rescue and related services within the City from October 1, 2016, until 7:30 a.m. on October 1, 2021, and believes that such inclusion is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA, THAT:

Section 1: Intent, Purpose and Consent: It is the intent, purpose and effect of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The City Commission of the City of Belle Glade hereby ratifies, extends and consents to the inclusion of all territory within the incorporated municipal boundaries of the City, as may be amended from time to time, within the County's Fire/Rescue Municipal Service Taxing Unit (the "Fire/Rescue MSTU"), which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this Ordinance is to extend the City's consent to be included in the County's Fire/Rescue MSTU in order to enable the County to fund and provide fire-rescue and related services within the territorial limits of the City including, but not limited to, the County's enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto

(collectively "Fire Code") and any other applicable laws and regulations.

Section 2: Effectiveness and Duration of Consent: The City's consent to be included in the Fire/Rescue MSTU is hereby ratified and extended effective retroactively from December 31, 2015, to be implemented for tax year 2016 in order to fund and provide County fire-rescue and related services within the City as of October 1, 2016, and to provide for the City's continuing inclusion in the Fire/Rescue MSTU without interruption. The City's consent to be included in the County's Fire/Rescue MSTU shall continue from December 31, 2015, for a term of five (5) years through December 31, 2020; provided, however, that the City's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2021, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year including, but not limited to, the County's enforcement of the Fire Code and any other applicable laws and regulations.

Section 3: Effectiveness of Repeal: Should the City intend to repeal its consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2020, the City shall provide written notice to the County, by March 1st of any given year, of the City's intent to repeal this Ordinance and the consent provided herein effective December 31st of the same year. The City shall adopt an ordinance to repeal this Ordinance and the consent provided herein, and shall provide a certified copy of the repealing ordinance to the County and to the Property Appraiser, by said December 31st. The City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the City's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1st at 7:30 a.m. to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year, including, but not limited to, the County's enforcement of the Fire Code and any other applicable laws and regulations.

Section 4: Ad Valorem Millage Rate Limitation: The City acknowledges that by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would exceed the ten (10) mill cap for municipal purposes when combined with the Fire/Rescue MSTU's annual ad valorem millage rate.

Section 5: Repeal of Conflicting Ordinances: All other ordinances and parts of

ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of the conflict. Notwithstanding the above, Ordinance No. 05-30 shall not be deemed repealed by this Ordinance and shall expire as provided for therein; provided, however, that Ordinance No. 05-30 and the term of consent identified therein shall be deemed to be extended to the extent necessary to continue the City’s consent and participation in the Fire/Rescue MSTU under this Ordinance without interruption.

Section 6: Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 7: Codification: The provisions of this Ordinance shall become and be made a part of the code or ordinances of the City of Belle Glade, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

Section 8: Captions: The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 9: Effective Date: This Ordinance shall be effective retroactively to December 31, 2015. Notwithstanding anything here to the contrary, the City’s continuing participation in the MSTU is contingent upon the County maintaining an ordinance including the City within the Fire/Rescue MSTU.

The foregoing Ordinance was moved by Vice Mayor Wilkerson seconded by Commissioner Burroughs and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Wilson	<u>✓</u>	<u> </u>
Vice Mayor Wilkerson	<u>✓</u>	<u> </u>
Commissioner Burroughs, Jr.	<u>✓</u>	<u> </u>
Commissioner Martin	<u>absent</u>	<u> </u>
Commissioner Underwood	<u>✓</u>	<u> </u>

PASSED on first reading at Regular Session of the City Commission held on July 18, 2016.

The foregoing ordinance was moved by Commissioner Burroughs seconded by Commissioner Underwood and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Wilkerson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Burroughs, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Underwood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PASSED on second and final reading at Regular Session of the City Commission held on August 1, 2016.

CITY OF BELLE GLADE, FLORIDA

(MUNICIPAL SEAL)

ATTEST:

Debra R. Buff, MMC
City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Glen J. Torcivia, City Attorney

Mayor-Commissioner

Mary Kay Wilkerson

Commissioner

Commissioner

Commissioners

ORDINANCE NO. 2016-29

AN ORDINANCE OF THE CITY OF PAHOKEE, FLORIDA, PROVIDING FOR THE CITY'S CONTINUING CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF PAHOKEE'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MSTU (MUNICIPAL SERVICES TAXING UNIT); PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR AN EFFECTIVE DATE AND DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CAPTIONS.

WHEREAS, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish municipal service taxing units ("MSTU's"), whereby a county may levy a tax within the county for certain municipal services, including the provision of fire-rescue services; and

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, the Florida Legislature has provided that any municipality or portion thereof may be included in a municipal service taxing unit, provided that municipality adopts an ordinance giving its consent either annually or for a term of years; and

WHEREAS, Palm Beach County established an MSTU known as the Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar emergency services), code enforcement, and other services necessary and incidental to the purpose for which the MSTU was created; and

WHEREAS, the City Commission of the City of Pahokee, Florida, desires to consent to the inclusion of all the territory lying within the municipal boundaries of the City into the County's Fire/Rescue MSTU for fire-rescue and related services within the City, and believes that such inclusion is in the best interest of the health, safety and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, that:

Section 1. Intent, Purpose and Consent.

It is the intent of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The City Commission hereby consents to the inclusion of all the territory within the incorporated municipal boundaries of the City of Pahokee, as they may be amended from time to time, within Palm Beach County's Fire Rescue MSTU, which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this Ordinance is to enable the County to provide fire-rescue and related services within the territorial limits of the City of Pahokee, Florida, including but not limited to, the County's enforcement of the Florida Fire Prevention

Code and any Palm Beach County Local Amendments thereto (collectively "Fire Code") and any other applicable law and regulations.

Section 2. Effective Date and Duration of Consent.

The provisions of this Ordinance shall become effective December 31, 2015. The City's consent to be included in the County's Fire/Rescue MSTU shall continue for a term of ten years through December 31, 2025, to fund fire-rescue services by the County through ~~September 30, 2025 7:30 a.m. on October 1, 2026~~; provided, however, that the City's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through ~~September 30, 2025 7:30 a.m. on October 1, 2026~~, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by tax year 2025, including but not limited to the enforcement of the Fire Code and any other applicable laws and regulations.

Section 3. Effectiveness of Repeal.

Should the City repeal this ordinance prior to its expiration, the City shall provide written notice to Palm Beach County, by March 1st of any given year, of the City's intent to repeal this Ordinance, with said repeal to be effective December 31st of the same year. In such case, the City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided however, that the City's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following ~~September 30th October 1st at 7:30 a.m.~~ to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year, including, but not limited to the enforcement of the Fire Code and any other applicable laws and regulations.

Section 4. Ad Valorem Millage Rate Limitation.

The City acknowledges that by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would exceed the ten (10) mill cap for municipal purposes when combined with the Fire / Rescue MSTU's annual ad valorem millage rate.

Section 5. Repeal of Laws in Conflict.

All other ordinances or parts of ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability.

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

Section 7. Codification.


The provisions of this Ordinance shall become and be made a part of the code of ordinances of the City of Pahokee, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

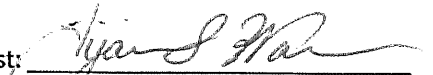
Section 8. Captions.

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

PASSED AND ADOPTED on first reading this 26th day of July, 2016

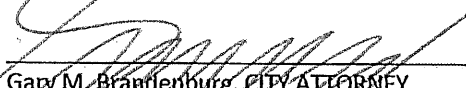
PASSED AND ADOPTED on second reading this 9th day of August 2016.


Keith W. Babb, Jr., MAYOR

Attest: 
Tijauna Warner, CITY CLERK

	First Reading	Second and Final Reading
MAYOR BABB	<u>Yes</u>	<u>Yes</u>
VICE MAYOR HILL	<u>Yes</u>	<u>Yes</u>
COMMISSIONER HOLMES	<u>Absent</u>	<u>Yes</u>
COMMISSIONER MURVIN	<u>Yes</u>	<u>Yes</u>
COMMISSIONER-WALKER	<u>Yes</u>	<u>Yes</u>

APPROVED AS TO LEGAL SUFFICIENCY


Gary M. Brandenburg, CITY ATTORNEY



I hereby certify that this is a true and correct copy of an original document which is on file with the City of Pahokee, Florida


City Clerk Date 8/11/16

ORDINANCE NO. 04-2016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA; PROVIDING FOR THE CITY'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF SOUTH BAY'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT, PURPOSE AND CONSENT; PROVIDING FOR EFFECTIVENESS AND DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF REPEAL; ACKNOWLEDGING AD VALOREM MILLAGE RATE LIMITATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CAPTIONS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida Legislature has empowered counties to establish Municipal Service Taxing Units ("MSTU's), whereby a county may levy a tax within the MSTU for certain essential municipal services, including the provision of fire-rescue services; and

WHEREAS, pursuant to Section 125.01(1)(q), Florida Statutes, a municipality may be included within an MSTU, subject to approval by ordinance of the governing body of the municipality giving consent either annually or for a term of years; and

WHEREAS, Palm Beach County ("County") established an MSTU known as the Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar emergency services), code enforcement and other services necessary and incidental to the purpose for which the MSTU was created; and

WHEREAS, the City of South Bay ("City") by Ordinance No. 13-2005 consented to its inclusion in the County's Fire/Rescue MSTU for a ten (10) year term through December 31, 2015, as a mechanism to receive and fund County fire-rescue services through September 30, 2016; and

WHEREAS, Ordinance No. 13-2005 further provided that the City's consent and

inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through September 30, 2016, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by tax year 2015, including but not limited to the enforcement of applicable laws and regulations; and

WHEREAS, the County by Ordinance No. 2005-064 amended the boundaries of the Fire/Rescue MSTU to include the City for the duration of the term identified in City Ordinance No. 13-2005, as such term may be extended or modified by the City from time to time; and

WHEREAS, the City Commission of the City of South Bay hereby desires to ratify and extend, for an additional ten (10) year period from December 31, 2015, through December 31, 2025, its consent to the inclusion of all the territory lying within the unincorporated municipal boundaries of the City into the County's Fire/Rescue MSTU for County fire-rescue and related services within the City from October 1, 2016, until 7:30 a.m. on October 1, 2026, and believes that such inclusion is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, THAT:

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. Intent, Purpose and Consent.

It is the intent, purpose and effect of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes. The City Commission of the City of South Bay hereby ratifies, extends and consents to the inclusion of all territory within the unincorporated municipal boundaries of the City, as may be amended from time to time, into the County's Fire/Rescue Municipal Service Taxing Unit (the "Fire/Rescue

MSTU”), which was established pursuant to enabling legislation adopted by the Board of County Commissioners of Palm Beach County. The purpose of the enactment of this Ordinance is to extend the City’s consent to be included in the County’s Fire/Rescue MSTU in order to enable the County to fund and provide fire-rescue and related services within the territorial limits of the City including, but not limited to, the County’s enforcement of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto (collectively “Fire Code”) and any other applicable laws and regulations.

Section 3. Effectiveness and Duration of Consent.

The City’s consent to be included in the Fire/Rescue MSTU is hereby ratified and extended effective retroactively from December 31, 2015, to be implemented for tax year 2016 in order to fund and provide County fire-rescue and related services within the City as of October 1, 2016, and to provide for the City’s continuing inclusion in the Fire/Rescue MSTU without interruption. The City’s consent to be included in the County’s Fire/Rescue MSTU shall continue from December 31, 2015, for a term of ten (10) years through December 31, 2025; provided, however, that the City’s consent and inclusion in the County’s Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2026, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year including, but not limited to, the County’s enforcement of the Fire Code and any other applicable laws and regulations.

Section 4. Effectiveness of Repeal.

Should the City intend to repeal its consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2025, the City shall provide written notice to the County, by March 1st of any given year, of the City’s intent to repeal this Ordinance and the consent provided herein effective December 31st of the same year.

The City shall adopt an ordinance to repeal this Ordinance and the consent provided herein, and shall provide a certified copy of the repealing ordinance to the County and to the Property Appraiser, by said December 31st. The City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the City's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1st at 7:30 a.m. to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year, including, but not limited to, the County's enforcement of the Fire Code and any other applicable laws and regulations.

Section 5. Ad Valorem Millage Rate Limitation.

The City acknowledges that by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would exceed the ten (10) mill cap for municipal purposes when combined with the Fire/Rescue MSTU's annual ad valorem millage rate.

Section 6. Conflict and Repealer.

All other ordinances and parts of ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of the conflict. Notwithstanding the above, Ordinance No. 13-2005 shall not be deemed repealed by this Ordinance and shall expire as provided for therein; provided, however, that Ordinance No. 13-2005 and the term of consent identified therein shall be deemed to be extended to the extent necessary to continue the City's consent and participation in the Fire/Rescue MSTU under this Ordinance without interruption.

Section 7. Severability.

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

Section 8. Codification.

The provisions of this Ordinance shall become and be made a part of the code or

ordinances of the City of South Bay, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 9. Captions.

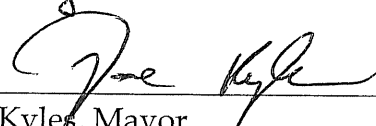
The captions, section headings, and section designations used in this Ordinance are intended only for the convenience of users and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 10: Effective Date:

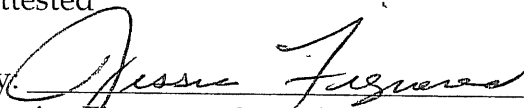
This Ordinance shall be effective retroactively to December 31, 2015. Notwithstanding anything here to the contrary, the City's continuing participation in the MSTU is contingent upon the County maintaining an ordinance including the City within the Fire/Rescue MSTU.

FIRST READING this 3rd day of May, 2016.

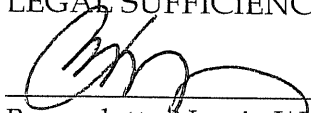
APPROVED AND ADOPTED ON SECOND READING by the City Commission of the City of South Bay, Florida, on this 17th day of May, 2016.


Joe Kyles, Mayor

Attested

By: 
Jessica Figueroa, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Burnadette Norris-Week, Esquire
City Attorney

Moved by: Commissioner McKelvin

Seconded by: Commissioner Scott

VOTE:		
Commissioner Berry	<u>✓</u> (Yes)	<u> </u> (No)
Commissioner McKelvin	<u>✓</u> (Yes)	<u> </u> (No)
Commissioner Scott	<u>✓</u> (Yes)	<u> </u> (No)
Vice-Mayor Wilson	<u>✓</u> (Yes)	<u> </u> (No)
Mayor Kyles	<u>✓</u> (Yes)	<u> </u> (No)

I Jessica Figueroa, City Clerk
hereby certify that this is
☒ a true and correct copy of the original document
☐ the original document

Month June Day 10th Year 2016

Signature Jessica Figueroa

(City Seal)