

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	November 1, 2016	<input type="checkbox"/> Consent	<input checked="" 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 approve on preliminary reading and advertise for Public Hearing on November 22, 2016, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 26-51, Subsection (b), of Chapter 26, Article II, Division 3, of the Palm Beach County Code; amending the boundaries of the Fire/Rescue MSTU (Municipal Service Taxing Unit) to include the City of Westlake; providing for implementation dates; providing for opt-out procedures; 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 an effective date.

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 City of Westlake ("City") was incorporated on June 20, 2016. The area within the municipal boundaries of the City was, prior to the City's incorporation, included within the Fire/Rescue MSTU as part of the unincorporated area of the County. The City Charter authorizes the Fire/Rescue MSTU to continue within the boundaries of the City until the City adopts an ordinance to the contrary. It is anticipated that the City will adopt City Ordinance No. 2016-04 prior to November 22, 2016, to formalize its consent, in accordance with Section 125.01(1)(q), Florida Statutes, to be included in the Fire/Rescue MSTU for County fire-rescue and related services within the City. This ordinance will amend the boundaries of the Fire/Rescue MSTU to formally include the properties within the municipal boundaries of the City. Countywide (SB)

Background and Policy Issues: Currently, the following municipalities are included in the Fire/Rescue MSTU: Glen Ridge, Lake Clarke Shores, Cloud Lake, Juno Beach, Wellington, Haverhill, Royal Palm Beach, Pahokee, South Bay, Belle Glade, Loxahatchee Groves, Lantana, Palm Springs, Lake Worth, South Palm Beach, and Lake Park. Adoption of this ordinance will formally include the City of Westlake in the Fire/Rescue MSTU.

Attachments

1. Proposed County Ordinance
2. City Ordinance (No. 2016-04)

Recommended by:	<u>Michael C. Mackey</u> Deputy Chief	<u>10-21-16</u> Date
Approved by:	<u>Jeffrey P. Gelfand</u> Fire Rescue Administrator	<u>10/22/2016</u> Date
Approved by:	<u>Nancy L. Bolton</u> Assistant County Administrator	<u>10/16/2016</u> Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* _____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	0 _____	_____	_____	_____	_____

Is Item Included in Proposed Budget? Yes ___ No ___

Budget Account No.: Fund _____ Dept _____ Unit _____
 Revenue Source ____/Object _____

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

* Funding for services to the property within the newly incorporated City of Westlake is currently provided from the main Fire-Rescue MSTU (Fund 1300). Inclusion of the City in the Fire/Rescue MSTU will not change the amount of revenue received for fire-rescue services from the parcels that are now within the City.

C. Departmental Fiscal Review: *[Signature]*

III. REVIEW COMMENTS

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

[Signature]
 OFMB _{ET} 10/24 P 10/24

[Signature] 10/24/16
 Contract Development and Control

B. Legal Sufficiency

[Signature] 10/25/16
 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.)

ORDINANCE NO. 2016 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 26-51, SUBSECTION (b), OF CHAPTER 26, ARTICLE II, DIVISION 3, OF THE PALM BEACH COUNTY CODE; AMENDING THE BOUNDARIES OF THE FIRE/RESCUE MSTU (MUNICIPAL SERVICE TAXING UNIT) TO INCLUDE THE CITY OF WESTLAKE; PROVIDING FOR IMPLEMENTATION DATES; PROVIDING FOR OPT-OUT PROCEDURES; 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, Chapter 26, Article II, Division 3, of the Palm Beach County Code, in accordance with the authority set forth in Section 125.01(1)(q) and (r), Florida Statutes, established municipal service taxing units (MSTUs) to provide fire protection, fire-rescue, advanced life support (or similar emergency services), code enforcement, and all other necessary and incidental powers to effect the purposes for which the MSTUs were created; and

WHEREAS, the Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within the municipal boundaries of municipalities that have opted to join the MSTU pursuant to Section 125.01(1)(q), Florida Statutes, or other applicable law; and

WHEREAS, the City of Westlake (“City”) was incorporated on June 20, 2016; and

WHEREAS, all territory within the municipal boundaries of the City was, prior to the City’s incorporation, included within the Fire/Rescue MSTU as part of the unincorporated area of the County; and

WHEREAS, the City Charter authorizes the Fire/Rescue MSTU to continue within the boundaries of the City until the City adopts an ordinance to the contrary; and

WHEREAS, in accordance with Section 125.01(1)(q), Florida Statutes, the City adopted City Ordinance No. 2016-04 to formalize its consent to be included in the Fire/Rescue MSTU for County 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, and any other laws and regulations that relate to fire-rescue services and are enforceable by the County within the MSTU (collectively “Fire Code”); and

WHEREAS, the Board of County Commissioners desires to amend the boundaries of the Fire/Rescue MSTU to formally include the properties within the municipal boundaries of the City.

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

Section 1. Amendment of Fire/Rescue MSTU Boundaries to Include City:

Section 26-51, subsection (b), of the Palm Beach County Code is hereby amended as follows (additions indicated by underline, deletions indicated by ~~striketrough~~):

“(b) The fire/rescue MSTU shall consist of the entire unincorporated area of the county plus all property situated within a municipality’s boundaries, as they may be amended from time to time, which municipality has opted and consented to be included within the Fire/Rescue MSTU, in accordance with Florida Statutes, § 125.01(1)(q), or other applicable law, and been accepted by the county, namely: the Town of Glen Ridge, the Town of Lake Clarke Shores, the Town of Cloud Lake, the Town of Juno Beach, the Village of Wellington, the Town of Haverhill, the Village of Royal Palm Beach, the City of Pahokee, the City of South Bay, the City of Belle Glade, the Town of Loxahatchee Groves, the Town of Lantana, the Village of Palm Springs, the City of Lake Worth, the Town of South Palm Beach, the Town of Lake Park, the City of Westlake, and those hereinafter exercising such right.”

Section 2. Implementation Dates:

The provisions of this Ordinance shall be implemented December 31, 2016, to include the City in the Fire/Rescue MSTU for Tax Year 2017; provided, however, that notwithstanding anything herein that may be construed to the contrary, the City’s inclusion in the Fire/Rescue MSTU shall be deemed to be ratified and effective retroactively from June 20, 2016, to the extent necessary for the County to fund and provide within the City fire-rescue and related services including, but not limited to, the County’s enforcement of the Fire Code, between June 20, 2016, and the commencement of services funded by Tax Year 2017. The inclusion of the City of Westlake in the Fire/Rescue MSTU shall continue for the term of consent identified in City Ordinance No. 2016-04, as said consent may be extended by City ordinance from time to time, provided that the County maintains in effect an ordinance including the City within the Fire/Rescue MSTU.

The City's inclusion in the Fire/Rescue MSTU shall be deemed to continue after expiration, repeal or termination of the City's participation in the MSTU 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.

Section 3. Opt-Out Procedures:

Should the County or the City desire to terminate the City's inclusion in the Fire/Rescue MSTU, then the party desiring said termination shall provide written notice to the other, by March 1st of any given year, of said party's intent to terminate the City's inclusion effective December 31st of the same year. The County then shall adopt an ordinance to terminate the City's inclusion in the Fire/Rescue MSTU and provide a copy of said ordinance 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.

Section 4. Repeal of Laws in Conflict:

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

Section 5. 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 6. Inclusion in the Code of Laws and Ordinances:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. 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 7. 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 8. Effective Date:

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2016.

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

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

By: _____
Deputy Clerk

By: _____
, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
County Attorney

FILED with the Department of State on the _____ day of _____, 2016.

ORDINANCE NO.2016-04

AN ORDINANCE OF THE CITY OF WESTLAKE, FLORIDA;PROVIDING FOR THE CITY'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF WESTLAKE'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 Westlake ("City") was incorporated on June 20, 2016; and

WHEREAS,prior to the City's incorporation, all territory within the municipal boundaries of the City was, included within the Fire/Rescue MSTU as part of the unincorporated area of the County; and

WHEREAS, the City Charter authorizes the Fire/Rescue MSTU to continue within the boundaries of the City until the City adopts an ordinance to the contrary; and

WHEREAS, the City desires to adopt this Ordinance to formalize its consent, in accordance with Section 125.01(1)(q), Florida Statutes, to be included in the Fire/Rescue MSTU

for County 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, and any other laws and regulations that relate to fire-rescue services and are enforceable by the County within the MSTU (collectively "Fire Code"); and

WHEREAS, the City Council of the City of Westlake believes that such inclusion in the County's Fire/Rescue MSTU 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 COUNCIL OF THE CITY OF WESTLAKE, 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 Council of the City of Westlake hereby ratifies 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 for the City to be included in the County's Fire/Rescue MSTU in order to enable the County to fund and provide fire-rescue services, new construction plan review, fire inspections 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, and any other laws and regulations that relate to fire-rescue services and are enforceable by the County within the MSTU (collectively "Fire Code").

Section 2: Effectiveness and Duration of Consent: The City's consent to be included in the County's Fire/Rescue MSTU shall be implemented effective December 31, 2016, for Tax Year 2017, and shall continue for a term of ten (10) years through December 31, 2026; 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, 2027, 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. Notwithstanding anything herein that may be construed to the contrary, the City's consent and inclusion in the Fire/Rescue MSTU shall

be deemed to be ratified and effective retroactively from June 20, 2016, to the extent necessary for the County to fund and provide within the City fire-rescue and related services including, but not limited to, the County's enforcement of the Fire Code, between June 20, 2016, and the commencement of services funded by Tax Year 2017.

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, 2026, 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.

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.

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 Westlake, 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 take effect upon adoption. Notwithstanding anything here to the contrary, the City's inclusion in the MSTU is contingent upon the County adopting and maintaining an ordinance including the City within the Fire/Rescue MSTU.

FIRST READING this _____ day of October, 2016.

APPROVED AND ADOPTED ON SECOND READING by the City Council of the City of Westlake, Florida, on this _____ day of November, 2016.

CITY OF WESTLAKE

By: _____
Roger Manning, MAYOR

ATTEST:

Sandra DeMarco, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Pam E. Booker, City Attorney