

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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|--------------------------------------|--------------|--------------------|
| Meeting Date: August 14, 2018 | (X) Consent | () Regular |
| | () Workshop | () Public Hearing |

Department
Submitted By: County Administration
Submitted For: Office of Resilience

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, Florida, authorizing the use of the Pollution Recovery Trust Fund (PRTF) for climate resilience planning expenditures for an additional one-year period through FY2019.

Summary: The Office of Resilience (OOR) engages in a multitude of climate adaptation, mitigation, and sustainability initiatives. Approval of this item advances Palm Beach County’s commitment to climate resilience planning and coordination locally and regionally. This resolution extends the authorization to expend PRTF dollars in an amount not to exceed \$204,023 to fund the County’s OOR and associated program expenses for a one-year period through FY2019. There are sufficient unobligated funds in the PRTF to accommodate this purpose. The PRTF has been funding climate change and sustainability activities for the County since 2012. In FY2012, the BCC authorized up to \$200,000 from the PRTF for a two-year period to fund climate and sustainability activities. For FY2017 and FY2018, the BCC authorized up to \$200,000 and \$230,000 respectively from the PRTF. Funding needs increased as two positions transferred from the Department of Environmental Resources Management to OOR. OOR is currently filling these two previously budgeted environmental analyst positions. Countywide (RPB)

Background and Justification: On April 4, 1989 (R-89-576), the BCC authorized the creation of the PRTF. On December 15, 2009 (R2009-2170), the BCC adopted the Southeast Florida Climate Change Compact (Compact), reaffirmed on January 26, 2016 (R2016-0123), providing for a coordinated climate change strategy with Broward, Miami-Dade, and Monroe Counties. Recognizing the need for regional coordination and collaboration with the other Compact counties, Palm Beach County has committed staff, resources, and expertise to participate as a Regional Climate Team.

Continued on Page 3

- Attachments:**
1. Resolution
2. Resolution No. R-89-576
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| | |
|--|----------------|
| Recommended by: <u>Memo S. Hunt</u> | <u>7/19/18</u> |
| Department Director | Date |

| | |
|---------------------------------------|---------------|
| Approved by: <u>Pat</u> | <u>8/7/18</u> |
| Assistant County Administrator | Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|-------|------------------|-------|-------|-------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | <u>\$362,122</u> | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT | _____ | <u>\$362,122</u> | _____ | _____ | _____ |
| # ADDITIONAL FTE POSITIONS (Cumulative) | _____ | _____ | _____ | _____ | _____ |

Is Item Included in Proposed Budget? Yes X No _____

Does this item include the use of federal funds? Yes _____ No X

Budget Account No.:

Fund 0001 Department 261 Unit 2101 Object Various Program _____

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

Source of funds:

- Pollution Recovery Trust Fund: \$204,023
- Ad Valorem: \$158,099

Funding for FY2019 is included in the proposed FY2019 budget.

C. Department Fiscal Review: S. Neary

III. REVIEW COMMENTS

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

John P. ... 7/24/18 J. S. Jaworski 8/3/18
OFMB 9/7/20 Contract Development and Control
8/3/18 Ta

B. Legal Sufficiency:

[Signature] 8/2/18
Assistant County Attorney

C. Other Department Review:

Department Director

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Background and Justification Continued from Page 1

Further strengthening the County's commitment, on May 15, 2012 (R2012-0769), June 21, 2016 (R2016-0726), and July 11, 2017 (R2017-0848), the BCC authorized the funding of the Climate Change and Sustainability Coordinator position to continue the climate resilience and sustainability efforts Countywide and regionally, with funds requests ranging from \$200,000 for a two-year period beginning in FY2012, to up to \$230,000 for FY2018. Finally, on June 20, 2017 (R2017-0834), the BCC authorized the creation of the Office of Resilience and the transfer of the existing positions into the newly created office.

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE USE OF THE POLLUTION RECOVERY TRUST FUND FOR CLIMATE RESILIENCE PLANNING EXPENDITURES FOR AN ADDITIONAL ONE-YEAR PERIOD THROUGH FY2019

WHEREAS, the Board of County Commissioners of Palm Beach County (“the Board”) adopted Resolution R89-576 on April 4, 1989, establishing the Palm Beach County Pollution Recovery Trust Fund (PRTF) to receive monies collected in instances of environmental violations; and

WHEREAS, it has been established that monies from the PRTF shall be disbursed only for enhancement of environmental resources and pollution control activities in Palm Beach County (“the County”); and

WHEREAS, Southeast Florida is one of the most vulnerable areas in the country to the impacts of climate change, especially sea level rise; and

WHEREAS, the County Commissions of Broward, Miami-Dade, Palm Beach and Monroe Counties (“the Compact Counties”) adopted the Southeast Florida Regional Climate Change Compact (“the Compact”) in 2009-2010; and

WHEREAS, the Compact Counties have worked since then in common cause with one another and numerous stakeholders to address climate change at the regional scale; and

WHEREAS, the Board has the authority to designate additional uses of the PRTF and to waive the prohibition against funding operations as provided for in R89-576; and

WHEREAS, pursuant to R2012-0769, the Board authorized the use of PRTF monies to be used for climate change action planning and environmental sustainability coordination activities for a period of two-years; and

WHEREAS, pursuant to R2016-0726, the Board authorized the use of PRTF monies to be used for climate change action planning and environmental sustainability coordination activities for an additional one-year period; and

WHEREAS, pursuant to R2017-0834, the Board authorized the creation of the Office of Resilience and to transfer the existing positions into the newly created office.

WHEREAS, pursuant to R2017-0848, the Board authorized the use of PRTF monies to be used for climate change action planning and environmental sustainability coordination activities for an additional one-year period; and

WHEREAS, the Board wishes to extend authorization for the use of the PRTF through FY2019 for support of climate resilience planning and coordination activities.

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

Section 1: The foregoing recitals are hereby adopted and ratified.

Section 2: The Board hereby authorizes use of the PRTF in FY2019 in an amount not to exceed \$204,023 for climate resilience planning and coordination activities.

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:

| | |
|---------------------------------------|-------|
| Commissioner Melissa McKinlay, Mayor | _____ |
| Commissioner Mack Bernard, Vice Mayor | _____ |
| Commissioner Hal R. Valeche | _____ |
| Commissioner Paulette Burdick | _____ |
| Commissioner Dave Kerner | _____ |
| Commissioner Steven L. Abrams | _____ |
| Commissioner Mary Lou Berger | _____ |

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2018.

APPROVED AS TO FORM AND ITS LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY
BOARD OF COUNTY COMMISSIONERS
SHARON R. BOCK, CLERK

By: 
County Attorney

By: _____
Deputy Clerk

ATTACHMENT 2

RESOLUTION NO. R.-89- 576

ORIGINAL

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING A LOCAL POLLUTION RECOVERY TRUST FUND IN WHICH TO DEPOSIT MONIES COLLECTED THROUGH ENFORCEMENT CASES AND TO BE USED TO ENHANCE PALM BEACH COUNTY'S ENVIRONMENTAL RESOURCES.

WHEREAS, it is desirable that monies collected in instances of environmental violation be deposited into a Palm Beach County Pollution Recovery Trust Fund; and

WHEREAS, it is desirable that monies collected in instances of environmental violation be applied to the enhancement of Palm Beach County's environmental resources and pollution control activities; and

WHEREAS, it is beneficial to establish a method for resolving enforcement matters in a manner required by the Florida Department of Environmental Regulation, with consideration of future delegation from the state.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

There is hereby established a Palm Beach County Pollution Recovery Trust Fund, the monies of which shall be disbursed only for enhancement of Palm Beach County's environmental resources and pollution control activities and not for operations and maintenance. Said trust fund shall be kept and maintained in trust by the Board of County Commissioners and shall be disbursed in accordance with the following procedures:

- (1) The Board of County Commissioners shall receive and consider the recommendations of the Director of the Department of Environmental Resources Management and Director of the Palm Beach County Public Health Unit pertaining to the proposed disbursement for a project.

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- (2) Disbursement shall be made only upon the approval of a resolution by the Board of County Commissioners authorizing the Clerk of the Board of County Commissioners to disburse funds for a particular project.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Roberts and upon being put to a vote, the vote was as follows:

| | |
|------------------------------|------------|
| COMMISSIONER KAREN MARCUS | <u>AYE</u> |
| COMMISSIONER CAROL ROBERTS | <u>AYE</u> |
| COMMISSIONER CAROL ELMQUIST | <u>AYE</u> |
| COMMISSIONER RON HOWARD | <u>AYE</u> |
| COMMISSIONER CAROLE PHILLIPS | <u>AYE</u> |

The Chair thereupon declared the Resolution duly passed and adopted this 4th day of April, 1989.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lina M. Blair

Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Richard M. D. D.
Assistant County Attorney

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