

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	March 12, 2019	<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 two municipal ordinances extending participation in the Fire/Rescue Municipal Services Taxing Unit (MSTU) for the following:

- A)** Town of Lantana Ordinance No. O-15-2017, extending the Town’s participation through December 31, 2027; and
- B)** Village of Palm Springs Ordinance No. 2018-20, extending the Village’s participation through December 31, 2028.



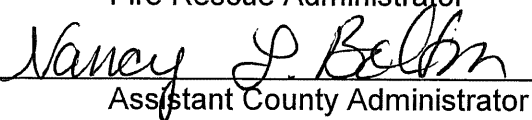
Summary: The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within municipalities that have opted to join the MSTU. The County has provided fire rescue services to the Town of Lantana as a part of the Fire/Rescue MSTU since October 1, 2008. On November 27, 2017, the Town of Lantana adopted Ordinance No. O-15-2017 to extend their participation in the MSTU through December 31, 2027, for County fire rescue services through FY 2028. On January 10, 2019, the Village of Palm Springs adopted Ordinance No. 2018-20 to extend their participation in the MSTU through December 31, 2028, for County fire rescue services through FY 2029. 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 2007, the Town of Lantana (Ordinance No. O-10-2007, August 27, 2007), adopted a municipal ordinance consenting to the inclusion of their Town into the Fire/Rescue MSTU for fire rescue services commencing October 1, 2008. On November 20, 2007, the County adopted Ordinance No. 2007-024 to amend the Fire/Rescue MSTU boundaries to include the Town of Lantana for the duration of the term identified in the Town’s consenting ordinance as it may be extended from time to time. In 2008, the Village of Palm Springs (Ordinance No. 2008-21, September 25, 2008), adopted a municipal ordinance consenting to the inclusion of their Village into the Fire/Rescue MSTU for fire rescue services commencing October 1, 2009. On December 16, 2008, the County adopted Ordinance No. 2008-061 to amend the Fire/Rescue MSTU boundaries to include the Village of Palm Springs for the duration of the term identified in the Village’s consenting ordinance as it may be extended from time to time. Each of these two municipalities has chosen to remain in the Fire/Rescue MSTU and all have adopted municipal ordinances extending their participation in the Fire/Rescue MSTU 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, Lake Park and Westlake.

Attachments:

- 1. Town of Lantana Ordinance No. O-15-2017
- 2. Village of Palm Springs Ordinance No. 2018-20

Recommended by:		
	Deputy Chief	Fire Rescue Administrator
Approved by:		
	Assistant County Administrator	

2/22/19

2/22/19

3/4/19

Date

Date

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

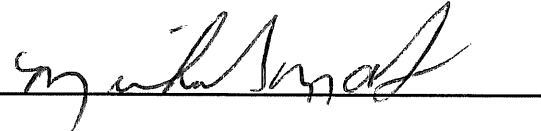
Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>* 0</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	_____	_____	_____	_____

Is Item Included in Proposed Budget? Yes ____ No ____
Does this item include the use of federal funds Yes ____ No X

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


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

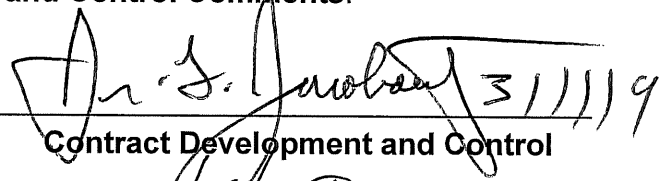
* There is no fiscal impact associated with the receipt and filing of each of these municipal ordinances. Funding for service to the Town of Lantana and the Village of Palm Springs is currently provided from the main Fire/Rescue MSTU (Fund 1300). Extending each of the municipality's participation in 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:


OFMB
2/26/19
JAN 27 2/25


Contract Development and Control
3/1/19
2/28/19

B. Legal Sufficiency


Assistant County Attorney
3/1/19

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. O-15-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, AMENDING CHAPTER 7.5. FINANCE. ARTICLE IV. INCLUSION OF TOWN'S BOUNDARIES INTO PALM BEACH COUNTY'S FIRE-RESCUE MUNICIPAL SERVICE TAXING UNIT ("MSTU") AT SECTION 7.5-61. – ORDINANCE NO. 0-10-2007 [FIRE/RESCUE MSTU ESTABLISHED] BY AMENDING THE TITLE SUCH THAT IT SHALL MAKE REFERENCE TO THIS ORDINANCE AND TO RENEW THE TOWN'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE TOWN OF LANTANA'S MUNICIPAL BOUNDARIES INTO PALM BEACH COUNTY'S FIRE/RESCUE MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE SERVICES; EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 7.5 FINANCE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING FOR INTENT, PURPOSE AND EFFECT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 125.01(1)(q), *Florida Statutes*, the Florida Legislature has empowered counties to establish Municipal Service Taxing Unit ("MSTU"), 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*, the state legislature has provided for the inclusion of any municipality, or portion thereof, within a MSTU established under the authority of Section 9(b), Article VII. of the State Constitution and has provided that no such inclusion may be authorized unless approved by ordinance of the governing body of the municipality giving consent either annually or for a longer-term subject to certain ad valorem tax limits; and

WHEREAS, on August 27, 2007 the Town Council of the Town of Lantana did consent to the inclusion of all territory lying within the municipal boundaries of the Town within a County MSTU for fire-rescue services benefitting residents within the Town for a period of ten (10) years by adopting Ordinance O-10-2007;

WHEREAS, Ordinance O-10-2007 shall expire December 31, 2017 and Town Council desires to continue to be included within the County Fire-Rescue; and

WHEREAS, the Town Council has determined that adoption of Ordinance O-15-2017, which grants the Town of Lantana's consent to continue to be included within the County Fire-Rescue MSTU for a period of ten (10) years is in the best interests of the health, safety, and welfare of the citizens of the Town of Lantana.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, THAT:

Section 1: It is the intent, purpose and effect of this ordinance to comply with the provisions of Section 125.01(1)(q), *Florida Statutes*. All of the territory within the incorporated municipal boundaries of the Town of Lantana (the "Town"), to include any parcels of land annexed into the Town in the future during the effective term of this ordinance, shall be included within the County's Fire Rescue Municipal Service Taxing Unit (the "Fire/Rescue MSTU") for the purpose of providing fire-rescue services within the territorial limits of the Town. The Town expressly consents to have all property currently located within its corporate boundaries (or annexed into its corporate boundaries during the ten (10) year term provided by this ordinance) to be included in the Fire/Rescue MSTU for a term of ten (10) years unless this ordinance is repealed earlier as set forth below. This ordinance shall expire on December 31, 2027, except that it may be repealed earlier by the Town Council by providing notice in writing to Palm Beach County, by March 1st of any given year, of the Town's intent to repeal the ordinance with such repeal to be effective December 31st of that year. Therefore, the notice of its intent to repeal the ordinance and terminate the inclusion of the Town in the County's Fire-Rescue MSTU will occur at least ten (10) months prior to such repeal becoming effective.

Section 2: Section 7.5-61. Ordinance No. O-10-2007. at Article IV. Inclusion of Town's Boundaries into Palm Beach County's Fire-Rescue Municipal Service Taxing Unit ("MSTU") is hereby amended to provide for a revised title, to renew the term of the Town's inclusion in the MSTU, and to properly refer to this Ordinance; providing that Section 7.5-61 shall hereafter read as follows:

**ARTICLE IV. INCLUSION OF TOWN'S BOUNDARIES INTO PALM BEACH COUNTY'S
FIRE-RESCUE MUNICIPAL SERVICE TAXING UNIT ("MSTU")**

Sec. 7.5-61. Ordinance No. ~~O-10-2007~~ O-15-2017

Ordinance No. ~~O-10-2007~~ O-15-2017 adopted on ~~August~~ November 27, ~~2007~~ 2017 provides for the inclusion of Town of Lantana's boundaries within the boundaries of the Fire/Rescue MSTU established by Palm Beach County for fire-rescue services pursuant to Section 125.01(1)(q), *Florida Statutes*, under the authority of Sec. 9(b), Article VII. of the State Constitution. Ordinance No. ~~O-10-2007~~ O-15-2017 is hereby included and incorporated herein by reference as if fully set forth herein and shall be kept on file for review in the Office of the Town Clerk.

Section 3: All other ordinances and parts of the ordinances in conflict with any provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 4: Should any Section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 5: Specific authority is hereby granted to codify and incorporate this Ordinance into the Code of Ordinances of the Town of Lantana.

Section 5: This Ordinance shall take effect on January 1, ~~2008~~ 2018 provided that the Board of County Commissioners of Palm Beach County has adopted an ordinance providing for the inclusion of the territorial limits of the Town within the County's Fire Rescue MSTU.

FIRST READING this 13th day of November, 2017.

SECOND AND FINAL READING this 27th day of November, 2017.

✓
Aye Nay

✓ Aye	Nay
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✓
Aye Nay

✓
Aye Nay

✓	
Aye	Nay

ATTEST:

TOWN CLERK

(SEAL)

Approved as to form and
legal sufficiency.

TOWN ATTORNEY

TOWN OF LANTANA

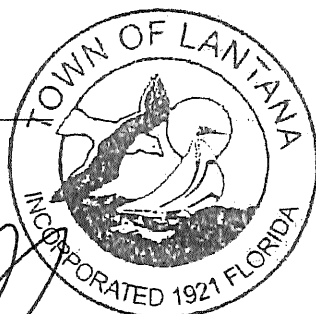
Mayor David J Stewart

Vice Mayor Lynn J. Moorhouse

Councilmember Philip J. Aridas

Councilmember Malcolm Balfour

Councilmember Edward Paul Shropshire



ORDINANCE NO. 2018-20

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA; PROVIDING FOR THE VILLAGE'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE VILLAGE OF PALM SPRINGS' 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 Village of Palm Springs ("Village") by Ordinance No. 2008-21 consented to its inclusion in the County's Fire/Rescue MSTU for a ten (10) year term through December 31, 2018, as a mechanism to receive and fund County fire-rescue services through September 30, 2019; and

WHEREAS, Ordinance No. 2008-21 further provided that the Village's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through September 30, 2019, to the extent necessary to enable the County to provide within the Village fire-rescue and related services funded by tax year 2018, including but not limited

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to the enforcement of applicable laws and regulations; and

WHEREAS, the County by Ordinance No. 2008-061 amended the boundaries of the Fire/Rescue MSTU to include the Village for the duration of the term identified in Village Ordinance No. 2008-21, as such term may be extended by the Village from time to time; and

WHEREAS, the Village Council of the Village of Palm Springs hereby desires to extend, for an additional ten (10) year period from December 31, 2018, through December 31, 2028, its consent to the inclusion of all the territory lying within the municipal boundaries of the Village into the County's Fire/Rescue MSTU for County fire-rescue and related services within the Village from October 1, 2019, until 7:30 a.m. on October 1, 2029, and believes that such inclusion is in the best interest of the health, safety and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, 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 Village Council of the Village of Palm Springs hereby extends and consents to the inclusion of all territory within the incorporated municipal boundaries of the Village, 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 Village'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 Village 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 laws and regulations applicable within the Fire/Rescue MSTU.

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Section 2: Effectiveness and Duration of Consent: The Village's consent to be included in the Fire/Rescue MSTU is hereby extended effective retroactively from December 31, 2018, to be implemented for tax year 2019 in order to fund and provide County fire-rescue and related services within the Village as of October 1, 2019, and to provide for the Village's continuing inclusion in the Fire/Rescue MSTU without interruption. The Village's consent to be included in the County's Fire/Rescue MSTU shall continue retroactively from December 31, 2018, for a term of ten (10) years through December 31, 2028; provided, however, that the Village's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2029, to the extent necessary to enable the County to provide within the Village 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 laws and regulations applicable within the Fire/Rescue MSTU.

Section 3: Effectiveness of Repeal: Should the Village intend to repeal its consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2028, the Village shall provide written notice to the County, by March 1st of any given year, of the Village's intent to repeal this Ordinance and the consent provided herein effective December 31st of the same year. The Village 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 Village's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the Village'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 Village 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 laws and regulations applicable within the Fire/Rescue MSTU.

Section 4: Ad Valorem Millage Rate Limitation: The Village acknowledges that by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would

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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. 2008-021 shall not be deemed repealed by this Ordinance and shall expire as provided for therein; provided, however, that Ordinance No. 2008-021 and the term of consent identified therein shall be deemed to be extended to the extent necessary to enable the County to provide within the Village fire-rescue and related services funded by the final tax year thereunder.

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 of ordinances of the Village of Palm Springs, 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 retroactively effective December 31, 2018. Notwithstanding anything here to the contrary, the Village's continuing participation in the MSTU is contingent upon the County maintaining an ordinance including the Village within the Fire/Rescue MSTU.

Council Member Gunther offered the foregoing Ordinance and moved for adoption. The motion was seconded by Council Member Ready, and upon

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being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY M. READY, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, on this 10th day of January 2019.

VILLAGE OF PALM SPRINGS, FLORIDA
BY: [Signature]
BEV SMITH, MAYOR

First Reading: December 13, 2018

Second Reading: January 10, 2019

ATTEST:
BY: [Signature]
KIMBERLY M. WYNN, VILLAGE CLERK



REVIEWED FOR LEGAL FORM AND SUFFICIENCY
BY: [Signature]
GLEN TORCIVIA, VILLAGE ATTORNEY