Agenda Item: <u>3A-</u>2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 5, 2020

(X) Consent() Workshop

() Regular() Public Hearing

DepartmentSubmitted By:County AdministrationSubmitted 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 three-year period through FY2022.

Summary: The Office of Resilience (OOR) engages in a multitude of climate adaptation, mitigation, and sustainability initiatives. This resolution extends the authorization to expend PRTF dollars in an amount not to exceed \$308,047 over a three-year period through FY2022 to fund the County's OOR and associated program expenses. 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, FY2018, and FY2019 the BCC authorized up to \$200,000, and \$204,023 respectively from the PRTF. Funding needs increased as two positions transferred from the Department of Environmental Resources Management to OOR, which OOR filled in FY2018. There are sufficient unobligated funds in the PRTF to accommodate this purpose, though the PRTF is an unsustainable funding source that OOR should not expect to rely upon after FY2022. OOR is exploring alternate revenue sources. Countywide (RPB)

Background and Justification: On April 4, 1989 (R-89-576), the BCC authorized the creation of the PRTF. Since 2012, the BCC has authorized the use of the PRTF to help fund OOR staff positions to help support climate resilience and sustainability efforts.

Attachments: 1. Resolution 2. Resolution No. R-89-576 **Recommended by:** Date **Department Director** Approved by:

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years		2020	2021	2022	2023	2024		
Capital Expe	enditures							
Operating C	osts	\$433,085	<u>\$653,764</u>	<u>\$435,000</u>				
External Rev	venues							
Program Inc	ome (County	/)						
In-Kind Mate	ch (County)							
NET FISCA	L IMPACT	\$433,085	<u>\$653,764</u>	<u>\$435,000</u>				
# ADDITIO POSITIONS		.)						
ls Item Inclu	ded in Curre	nt Budget?	Yes _	<u>x</u>	No			
Does this ite	em include th	ne use of fed	eral funds?	Yes	No_X			
Budget Acco	ount No.:							
Fund <u>0001</u>	Department	: <u>261</u> Uni	t <u>2101 _</u> Obje	ect <u>Various</u> Pr	ogram			
 B. Recommended Sources of Funds/Summary of Fiscal Impact: FY2020 (included approved FY2020 budget): PRTF: \$154,023; Ad Valorem: \$279,062 FY2021 (included in the proposed FY2021 budget): PRTF: \$77,012; Ad Valorem: \$576,752 FY2022 (estimate of the FY2022 budget): PRTF: \$77,012; Ad Valorem: \$357,988 								
C.	Department	: Fiscal Revie	ew: <u>\$</u> .N	un				
III. REVIEW COMMENTS								
А.	OFMB Fisca	al and /or Co	ntract Dev. a	nd Control C	omments:			
В.	OFMB DU3	3 25 200 21132 2 21132 2 21232 2	25 (Ala) FILS Cont	f_{2} , f	ment and Co	-31261220 ntrol		
,	Assistant C	ounty Attorn	/2020 ley	-				

C. Other Department Review:

Department Director

RESOLUTION NO. 2020-____

RESOLUTION OF THE BOARD OF A COUNTY **COMMISSIONERS** OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE USE OF THE POLLUTION RECOVERY TRUST FUND FOR CLIMATE RESILIENCE PLANNING EXPENDITURES FOR AN **ADDITIONAL THREE-YEAR PERIOD THROUGH FY2022**

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.

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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;

WHEREAS, pursuant to R2018-1104, 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 for an additional three-year period through FY2022 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 for a three-year period through FY2022 in an amount not to exceed \$308,047 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 Dave Kerner, Mayor	
Commissioner Robert S. Weinroth, Vice Mayor	
Commissioner Hal R. Valeche	
Commissioner Gregg K. Weiss	
Commissioner Mary Lou Berger	
Commissioner Melissa McKinlay	
Commissioner Mack Bernard	

The Mayor thereupon declared the Resolution duly passed and adopted this

____ day of ______, 2020.

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

GANAL

RESOLUTION NO. R.-89-576

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 Falm Beach County Follution. 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. R89 576 Resolution No. R-88-<u>576</u> Page 2 of 2

> (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 <u>Marcus</u>, who moved its adoption. The motion was seconded by Commissioner <u>Roberts</u> and upon being put to a vote, the vote was as follows:

COMMISSIONER KAREN MARCUS	AYE
COMMISSIONER CAROL ROBERTS	AYE
COMMISSIONER CAROL ELMQUIST	AYE
COMMISSIONER RON HOWARD	AYE
COMMISSIONER CAROLE PHILLIPS	AYE

The Chair thereupon declared the Resolution duly passed and adopted this <u>4th</u> day of <u>April</u> 1989.

PALM BEACH COUNTY? FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

CLERK

ax 58

JOHN B. DUNKLE

BY :

Det

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Asgistant County Attorney

R89 576