

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 15, 2020

Consent

Regular

Ordinance

Public Hearing

Department

Submitted By: Health Department

Submitted For: Environmental Public Health

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- a. **Adopt** First Amendment to An Agreement between Palm Beach County and the Department of Health Palm Beach County for the Control of Air Pollution, first entered into on August 21, 1984, and
- b. **Adopt** Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2020/2021 budget for the Air Pollution Control Program.

Summary: This Resolution is required by the August 21, 1984, Agreement with the Department of Health Palm Beach County (DOHPBC) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This Program is solely supported by motor vehicle license registration fees. **The proposed FY 2020/2021 budget for the Air Pollution Control Program from this funding source is \$969,059, which is a 1.05% decrease from the current year budget.** This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (HH)

Background and Justification: In 1983, the State Legislature enacted Section 320.03(6), Florida Statutes, which provided for an additional fifty cent (50¢) motor vehicle license registration fee for the control of air pollution in the State. If this fee is collected in counties with approved air pollution control programs, such as the existing Health Department Program, then it is returned to a trust fund established by the County. This Statute also requires that these funds be used only for air pollution control purposes. Therefore, the County entered into an agreement with the DOHPBC authorizing the Health Department Air Pollution Control Program to act on behalf of Palm Beach County, and to establish an Air Pollution Control Trust Fund to support such a program. The Resolution, No. R-84-1196, was adopted on August 21, 1984 (Attachment 3).

The 1990 State Legislature amended Section 320.03(6), Florida Statutes, to increase the registration fee to One Dollar (\$1.00) for support of air pollution control activities. **(Continued on page 3)**

Attachments:

- 1. Amendment to August 21, 1984 agreement
- 2. Proposed Resolution approving FY 2020/2021 Budget
- 3. FY 2020/2021 Air Pollution Control Program Budget
- 4. Comparison of Tag Fee Budgets FY 2020 & FY 2021
- 5. Resolution No. R-84-1196

Recommended By:  Department Director 8/14/20 Date

Approved By:  Assistant County Administrator 8/21/2020 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Health Department (see below)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	*	_____	_____	_____	_____

ADDITIONAL FTE POSITIONS (Cumulative) _____ 0 _____

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 _____ Dept _____ Unit _____ Object _____

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

*There is no direct fiscal impact associated with this item. The revenue and expenditure budget of the registration fees is accounted for in the Health Department budget which is submitted for approval under a separate item.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

 8/18/2020 OFMB 8/18/20	 8/18/2020 Contract Dev. and Control
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B. Legal Sufficiency


 Assistant County Attorney
 8/19/2020

C. Other Department Review:


 Department Director
 8/14/20

THIS SUMMARY IS NOT TO BE USED AS A BASIS

Background And Justification (Continued):

Background And Justification: Section 320.03(6), Florida Statutes, was further amended to provide that an approved local air pollution control program is eligible to receive an additional twenty-five cents (25¢) from the fee for a total of seventy-five cents (75¢), provided the local air pollution control trust fund has an unencumbered balance not exceeding 50% of the previous year's revenue allocation. It is estimated that the unencumbered balance at the end of the current fiscal year will be less than 50% of the annual revenue thus making the County eligible to continue receiving funding at the 75¢ level. It is also estimated that annual tag fee revenues collected during FFY 2020/21 will provide sufficient funds for this budget.

**FIRST AMENDMENT
TO AN AGREEMENT BETWEEN PALM BEACH COUNTY
AND THE DEPARTMENT OF HEALTH PALM BEACH COUNTY
FOR THE CONTROL OF AIR POLLUTION**

THIS FIRST AMENDMENT is made as of the _____ day of _____ 2020, by and between Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the COUNTY, and the State of Florida Department of Health, Palm Beach County, hereinafter referred to a DOH, collectively referred to as the Parties.

WITNESSETH:

WHEREAS, on August 21, 1984, the Parties entered into An Agreement for the Control of Air Pollution wherein the COUNTY and DOH agreed that DOH would administer the COUNTY's local Air Pollution Control Program specified in Section 320.03(6), Florida Statutes; and

WHEREAS, the Parties desire to amend the agreement to conform the language of the indemnification provision in that agreement to current language.

NOW THEREFORE, the parties mutually agree that the Contract is amended as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. **PARAGRAPH 9** is hereby replaced in its entirety with the following:

9. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, COUNTY shall indemnify, defend and hold harmless DOH against any actions, claims or damages arising out of COUNTY'S negligence in connection with this Agreement, and DOH shall indemnify, defend and hold harmless COUNTY against any actions, claims, or damages arising out of DOH'S negligence in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligent, willful or intentional acts or omissions.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this First Amendment on behalf of the COUNTY, and the State of Florida Department of Health, Palm Beach County have hereunto set their hand the day and year above written.

ATTEST:

Sharon R. Bock
Clerk and Comptroller

PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS

BY _____
Deputy Clerk

BY _____
Dave Kerner, Mayor

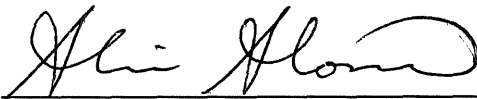
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

Assistant County Attorney

Nancy Bolton, Assistant County Administrator

STATE OF FLORIDA DEPARTMENT OF
HEALTH, PALM BEACH COUNTY



DR. ALINA ALONSO, DIRECTOR

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THE FY 2020/21 BUDGET FOR THE AIR POLLUTION CONTROL PROGRAM.

WHEREAS, on August 21, 1984, the Board of County Commissioners entered into an agreement with the Department of Health Palm Beach County to continue an Air Pollution Control Program and establish an Air Pollution Control Trust Fund pursuant to Sections 403.182 and 320.03(6), Florida Statutes; and

WHEREAS, the Agreement requires the Health Department to submit a budget to the County on an annual basis; and

WHEREAS, the projected budget for the expenditure of monies deposited into the Air Pollution Control Trust Fund for FY 2020/2021 is as follows:

	<u>Program Component</u>	<u>Annual Cost</u>
1	Personnel Salaries	\$362,686
2	Fringe Benefits	\$176,421
3	Travel	\$4,000
4	Training	\$2,000
5	Communications	\$2,500
6	Utilities	\$15,000
7	Postage	\$1,500
8	Printing	\$2,500
9	Contractual	\$1,500
10	Supplies & Maintenance	\$10,000
11	Motor Pool	\$15,000
12	Office Supplies	\$4,000
13	Subscriptions	\$900
14	Promotional Items	\$300
15	Division Administrative Support	\$45,000
16	Legal Support	\$17,500
17	105 Match	\$184,000
18	Indirect Costs	\$88,252
19	Capital Items (>\$1,000)	\$36,000
	TOTAL	\$969,059.00

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that the projected budget of the Air Pollution Control Program as set forth herein is hereby adopted, subject to final adoption of the Palm Beach County FY 2020/2021 Budget.

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 the ____ day of _____, 2020.

**APPROVED AS TO FORM
& LEGAL SUFFICIENCY**

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

Sharon R. Bock, Clerk & Comptroller

**BY: _____
County Attorney**

**BY: _____
Deputy Clerk**

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2020/2021

<u>FUND</u> AIR POLLUTION CONTROL TRUST FUND	<u>DEPARTMENT</u> FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY			<u>DIVISION</u> ENVIRONMENTAL PUBLIC HEALTH
OBJECT CODE	ACCOUNT TITLE		EXPLANTATION	BUDGET REQUEST
Tallam-29023	FRINGE	50%	ENVIRONNEMENTAL ADM.	\$16,963
Morales-45576		50%	ENVIRONNEMENTAL MANAGER	\$14,989
St. Ange-84874		60%	ENVIRONNEMENTAL SPEC. III	\$16,004
Armas Ceden0-35927		30%	ENVIRONMENTAL SPEC. II	\$4,666
Vacant-58573		30%	PROFESSIONAL ENGINEER II	\$8,400
Kalamaras-65377		55%	ENGINEER III	\$11,724
Bhavsar-49846		20%	ENGINEER III	\$5,685
Khan-29024		25%	STAFF ASSISTANT	\$1,174
Zyrianov -27861		20%	ENVIRONNEMENTAL SPEC II	\$3,285
Carabelas-29768		100%	ENVIRONNEMENTAL SPEC. III	\$27,171
Wilson-45575		35%	ENVIRONNEMENTAL MANAGER	\$7,589
Vacant-61034		50%	ENVIRONMENTAL CONSULTANT	\$12,834
Devonshire-4029		40%	ENGINEER III	\$3,042
Ukpong-69370		50%	ENVIRONMENTAL CONSULTANT	\$13,443
Ho Sang-49849		50%	STAFF ASSISTANT	\$12,548
Reyes-28835		35%	ENVIRONNEMENTAL ADM.	\$11,659
Bharadwaj-30896		20%	ACCOUNTANT III	\$5,245
			SUB-TOTAL	\$176,421
			Note: FRINGE BASED ON ACTUAL AMOUNTS	

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2020/2021

FUND AIR POLLUTION CONTROL TRUST FUND	DEPARTMENT FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY		DIVISION ENVIRONMENTAL PUBLIC HEALTH
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	TRAVEL	Travel costs to attend meetings, conferences, and training courses; per diem and private car expenses.	\$4,000
	TRAINING	Employee development (Registration Fees).	\$2,000
	COMMUNICATIONS	Telephone, cellular phones, & pagers.	\$2,500
	UTILITIES	Electric, water and waste disposal costs and building maintenance & security.	\$15,000
	POSTAGE	Mailing of correspondence, shipping & freight.	\$1,500
	PRINTING	Reports, brochures, visual aids, video & photography, and copying.	\$2,500
	CONTRACTUAL	Costs related to equipment maintenance, and service contracts for air monitoring trailers.	\$1,500
	SUPPLIES, MAINTENANCE & REPAIRS,	Costs related to repairs, maintenance and replacement of air monitoring equipment, and equipment used to conduct inspections.	\$10,000
	MOTOR POOL	Costs for operating section vehicles, including fuel, maintenance & repair and monthly leases.	\$15,000
	OFFICE SUPPLIES	Items necessary for operation of office, and monitoring sites; office computers and computer software included.	\$4,000
		SUB-TOTAL	\$58,000

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2020/2021

<u>FUND</u> AIR POLLUTION CONTROL TRUST FUND	<u>DEPARTMENT</u> FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY		<u>DIVISION</u> ENVIRONMENTAL PUBLIC HEALTH
OBJECT CODE	ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
	SUBSCRIPTIONS AND REFERENCE MATERIALS	Costs of periodicals, professional organizations, books and reference materials.	\$300
	PROMOTIONAL ITEMS	Purchase of small items for public distribution to promote air quality. Purchases will be consistent with PBC Policy.	\$900
	CAPITAL ITEMS >\$1,000	Continuous PM Sampler T640X	\$36,000
	LEGAL SUPPORT	Support from PBCHD attorney's office for permitting challenges and enforcement actions.	\$17,500
	OTHER	Matching money required to receive Federal air program funding for FY/18 from the U.S. Environmental Protection Agency.	\$184,000
	DIVISION ADM SUPPORT	Direct administrative support services for purchasing, records retention, data management and personnel actions.	\$45,000
	INDIRECT COSTS	Support services from Human Resources, Finance & Accounting, Data Management and Purchasing. Based on 16.37% of salary & fringe.	\$88,252
		SUB-TOTAL	\$371,952
		BUDGET TOTAL	\$ 969,059

MONTH	REVENUE	
	FY 19	FY 20
Oct	\$84,214.50	\$ 79,988.25
Nov	\$74,053.50	\$ 81,885.75
Dec	\$76,840.50	\$ 77,070.00
Jan	\$118,782.00	\$ 111,513.75
Feb	\$74,096.25	\$ 71,505.75
March	\$80,736.75	\$ 61,566.75
April	\$75,299.25	\$ 54,929.25
May	\$93,328.50	\$ 70,034.25
June	\$74,449.50	\$ 79,938.75
July	\$270,596.25	\$ 202,947.19 *
Aug	\$76,031.25	\$ 57,023.44 *
Sep	\$77,655.00	\$ 58,241.25 *
TOTAL	\$1,176,083.25	\$ 1,006,644.38

NOTE:

*During FY 19, we collected the revenue at 75 cents per dollar.

*Estimated at 75% of the revenue collected in FY 19.

Comparison of Tag Fee Budgets FFY 2020 & FFY 2021			
	FY/20	FY/21	
Salaries	\$ 364,218.00	\$ 362,686.00	-0.42%
Fringe Benefits	\$ 169,840.00	\$ 176,421.00	3.73%
Travel	\$ 4,000.00	\$ 4,000.00	0.00%
Training	\$ 2,000.00	\$ 2,000.00	0.00%
Communications	\$ 2,500.00	\$ 2,500.00	0.00%
Utilities	\$ 15,000.00	\$ 15,000.00	0.00%
Postage	\$ 1,500.00	\$ 1,500.00	0.00%
Printing	\$ 2,500.00	\$ 2,500.00	0.00%
Contractual	\$ 1,500.00	\$ 1,500.00	0.00%
Supply and Maintenance	\$ 10,000.00	\$ 10,000.00	0.00%
Motor Pool	\$ 15,000.00	\$ 15,000.00	0.00%
Office Supplies	\$ 4,000.00	\$ 4,000.00	0.00%
Promotional Items	\$ 900.00	\$ 900.00	0.00%
Subscriptions & Books	\$ 300.00	\$ 300.00	0.00%
Capital (OCO)	\$ 52,000.00	\$ 36,000.00	-44.44%
Legal Services	\$ 17,500.00	\$ 17,500.00	0.00%
105 Match	\$ 184,176.00	\$ 184,000.00	-0.10%
EHE Adm Support	\$ 45,000.00	\$ 45,000.00	0.00%
Indirect Costs	\$ 87,425.00	\$ 88,252.00	0.94%
	\$ 979,359.00	\$ 969,059.00	-1.06%

FY 2018 Unencumbered Balance:	\$204,892.13
Add: FFY 2019 Revenue	\$1,176,083.25
TOTAL Estimated 2019 Unencumbered Balance	\$1,380,975.38
Budget for 2018-19	\$ 1,001,777.04
Interest Earned	\$ 7,043.97
Estimated Balance on 9/30/2019	\$386,242.31
Estimated revenue during FY 2020	\$ 1,006,644.38
TOTAL Est. BALANCE by 9/30/20	\$1,392,886.69

Requested budget for FFY 2020-21 \$ 969,059.00

RESOLUTION NO. R-84-1196

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA APPROVING THE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE PALM BEACH COUNTY HEALTH DEPARTMENT AND AUTHORIZING THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE AIR POLLUTION CONTROL TRUST FUND PURSUANT TO FLORIDA STATUTE 320.03(6)

WHEREAS, Palm Beach County recognizes the need for the control of air pollution; and

WHEREAS, Palm Beach County currently has in effect an Environmental Control Ordinance, Ordinance No. 78-5, as amended, which provides for the adoption by reference of all State Air Pollution rules; and

WHEREAS, the Air Pollution Control Program in the Health Department is an approved and certified program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control Ordinance.

WHEREAS, it is necessary for the parties to enter into a contractual agreement to delineate their responsibilities and obligations.

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

The above statements are hereby affirmed and the Palm Beach County Health Department Air Pollution Control Program is authorized to act as the local Air Pollution Control Program on behalf of Palm Beach County, and the Clerk of the Board of County Commissioners is authorized to accept and transfer funds from the Department of Environmental Regulation Air Pollution Control Trust Fund to a County Air Pollution Control Trust Fund for the support of such a program in accordance with Florida Statute 320.03(6).

Be it further resolved that the agreement between Palm Beach County and the Palm Beach County Health Department, a copy of which is attached hereto and made a part hereof, is approved and the Chairman and Clerk of the Board of County Commissioners are hereby authorized to execute said contract on behalf of Palm Beach County.

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

KEN SPILLIAS	Aye
DOROTHY WILKEN	Aye
PEGGY B. EVATT	Aye
DENNIS P. KOEHLER	Aye
BILL BAILEY	Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 21st day of August 1984.

PALM BEACH COUNTY, FLORIDA, BY IT
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

By: *Richard H. Conpton*
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

William J. ...
County Attorney

AN AGREEMENT BETWEEN PALM BEACH COUNTY AND
THE PALM BEACH COUNTY HEALTH DEPARTMENT FOR
THE CONTROL OF AIR POLLUTION

THIS AGREEMENT, made and entered into at West Palm Beach, Florida, on this 21st day of August 1984, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida hereinafter referred to as "County", and the PALM BEACH COUNTY HEALTH DEPARTMENT, a Health Unit of the State Department of Health and Rehabilitative Services, hereinafter referred to as "Health Department".

WHEREAS, the County desires to establish an Air Pollution Control Program; and

WHEREAS, the Health Department Air Pollution Control Program is an approved program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs, relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control.

NOW THEREFORE, in consideration of the premises and the mutual premises and undertakings contained herein, and for other good and valuable consideration, the parties hereby agree as follows:

1. The County will adopt the existing Health Department Air Pollution Control Program as the approved local Air Pollution Control Program specified in Florida Statute 320.03(6)
2. The Health Department will administer said local program in accordance with the mandates set forth in Florida Statute 320.03(6); Florida Statute 403; and the Palm Beach County Environmental Control Ordinance.
3. The County shall establish a local Air Pollution Control Trust Fund in accordance with Florida Statute 320.03(6).
4. The County shall disburse monies from said Trust Fund to the Health Department, and the Health Department will utilize and account for said funds, in accordance with the provisions of

Florida Statute 320.03(6), Florida Administrative Code Chapter 17-2.820, and generally accepted accounting procedures and principles Exhibit 1 is attached hereto as a summary example of the accounting procedure to be utilized.

5. The Health Department will submit semi-annual written reports to the County setting forth the goals, objectives and accomplishments of the Local Air Pollution Control Program.

6. The Health Department shall submit a proposed budget to the County on an annual basis, the first of which is attached hereto as Exhibit 2 and made a part hereof.

7. This agreement shall become effective on the date last signed by the parties below.

8. This agreement may be terminated by either party upon 30 days written notice given by either party to the other prior to the proposed date of termination.

9. Health Department shall indemnify and hold harmless County from liability of any kind, including cost expenses for or on account of any suits, actual or threatened, or damages arising out of acts of its employees or program participants during the period of this agreement.

IN WITNESS WHEREOF, the parties have caused this two page agreement to be executed by their officials thereunto duly authorized.

PALM BEACH COUNTY HEALTH
DEPARTMENT

BY: C. L. Brumback, M.D.
Director
per Julius Jara

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

BY: Ken Apollonia
Chairman

JOHN B. DUNKLE, CLERK

BY: Kim H. Conpton
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Henry C. [Signature]
COUNTY ATTORNEY