

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	August 17, 2021	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Department:	Fire-Rescue		

I. EXECUTIVE BRIEF

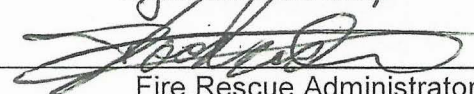
Motion and Title: Staff recommends motion to receive and file: a copy of the municipal ordinance extending participation in the Fire/Rescue Municipal Services Taxing Unit (MSTU) for the Town of South Palm Beach, Ordinance No. 298, extending the Town's participation through December 31, 2029.

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 South Palm Beach as a part of the Fire/Rescue MSTU since October 1, 2010. On August 11, 2020, the Town of South Palm Beach adopted Ordinance No. 298 to extend their participation in the MSTU through December 31, 2029, for County fire rescue services through FY 2030. A copy of the ordinance 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 2009, the Town of South Palm Beach (Ordinance No. 253, October 27, 2009), adopted a municipal ordinance consenting to the inclusion of their Town into the Fire/Rescue MSTU for fire rescue services commencing October 1, 2010. On December 15, 2009, the County adopted Ordinance No. 2009-048 to amend the Fire/Rescue MSTU boundaries to include the Town of South Palm Beach for the duration of the term identified in the Town's consenting ordinance as it may be extended from time to time. The municipality has chosen to remain in the Fire/Rescue MSTU and have adopted a municipal ordinance extending the 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 Beach, South Palm Beach, Lake Park and Westlake.

Attachment: Town of South Palm Beach Ordinance No. 298

Recommended by:		7/27/21
	Assistant Fire Chief	Date
Approved by:		7-27-2021
	Fire Rescue Administrator	Date
Approved by:		8/9/21
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* 0	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	0	_____	_____	_____	_____

Is Item Included in Proposed Budget? Yes ___ No N/A
 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 the municipal ordinance. Funding for service to the Town of South Palm Beach is currently provided from the main Fire/Rescue MSTU (Fund 1300). Extending the municipality's participation in the Fire/Rescue MSTU will not change the amount of revenue received for fire-rescue services.

C. Departmental Fiscal Review: emphatically

III. REVIEW COMMENTS

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

Lisa Monte 7/28/21 OFMB AP 7.27.21 [Signature] 8/10/21 Contract Development and Control
 26-21 TD

B. Legal Sufficiency

[Signature] for S. Burrows 8/9/21
 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. 298

AN ORDINANCE OF THE TOWN OF SOUTH PALM BEACH, FLORIDA; EXTENDING THE TOWN'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE TOWN OF SOUTH PALM BEACH'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 ("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 Town of South Palm Beach ("Town") by Ordinance No. 253 consented to its inclusion in the County's Fire/Rescue MSTU for a ten (10) year term through December 31, 2019, as a mechanism to receive and fund County fire-rescue services through September 30, 2020; and

WHEREAS, Ordinance No. 253 further provided that the Town's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through September 30, 2020, to the extent necessary to enable the County to provide within the Town fire-rescue and related services funded by tax year 2019, including but not limited to the enforcement of applicable laws

and regulations; and

WHEREAS, the County by Ordinance No. 2009-048 amended the boundaries of the Fire/Rescue MSTU to include the Town for the duration of the term identified in Town Ordinance No. 253, as such term may be extended by the Town from time to time; and

WHEREAS, the Town Council of the Town of South Palm Beach hereby desires to extend, for an additional ten (10) year period retroactively from December 31, 2019, through December 31, 2029, its consent to the inclusion of all the territory lying within the municipal boundaries of the Town into the County's Fire/Rescue MSTU for County fire-rescue and related services within the Town from October 1, 2020, until 7:30 a.m. on October 1, 2030, and believes that such inclusion is in the best interest of the health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH PALM BEACH, 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 Town Council of the Town of South Palm Beach hereby extends its consent to the inclusion of all territory within the incorporated municipal boundaries of the Town, as may be amended from time to time, within the County's 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 Town's consent to be included in the County's Fire/Rescue MSTU in order to enable the County to continue to fund and provide fire-rescue and related services within the territorial limits of the Town 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.

Section 2: Effectiveness and Duration of Consent: The Town's consent to be included in the Fire/Rescue MSTU is hereby extended and ratified retroactively from December 31, 2019, to be implemented for tax year 2020 in order to fund and provide County fire-rescue and related services within the Town as of October 1, 2020, and to provide for the Town's continuing inclusion in the Fire/Rescue MSTU without interruption. The Town's consent to be included in the County's Fire/Rescue MSTU shall continue retroactively from December 31, 2019, for a term

of ten (10) years through December 31, 2029; provided, however, that the Town's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2030, to the extent necessary to enable the County to provide within the Town 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 Town intend to repeal its consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2029, the Town must provide written notice to the County, by March 1st of any given year, of the Town's intent to repeal this Ordinance and the consent provided herein effective December 31st of the same year. The Town 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, which must be received by said December 31st. The Town's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the Town'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 Town 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 Town acknowledges that by opting into the Fire/Rescue 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. Notwithstanding the above, Ordinance No. 253 shall not be deemed repealed by this Ordinance and shall expire as provided for therein; provided, however, that Ordinance No. 253 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 Town 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 or ordinances of the Town of South Palm Beach, 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, 2019. Notwithstanding anything here to the contrary, the Town's continuing participation in the Fire/Rescue MSTU is contingent upon the County maintaining an ordinance including the Town within the Fire/Rescue MSTU.

FIRST READING this 14th day of July, 2020.

APPROVED AND ADOPTED ON SECOND READING by the Town Council of the Town of South Palm Beach, Florida, on this 11th day of August, 2020.



TOWN OF SOUTH PALM BEACH

By: *[Signature]*, Mayor

(SEAL)

ATTESTED:

[Signature]
TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
TOWN ATTORNEY