

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 17, 2021

Consent  
 Ordinance

Regular  
 Public Hearing

Department

Submitted By: Health Department

Submitted For: Environmental Public Health

I. EXECUTIVE BRIEF

**Motion and Title:** staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2021/2022 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 2021/2022 budget for the Air Pollution Control Program from this funding source is \$961,565, which is a 0.08% 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)

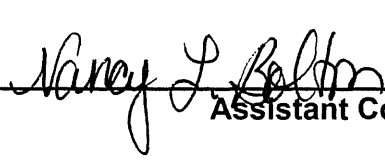
**Background and Justification:** In 1983, the State Legislature enacted Section 320.03(6), Florida Statutes, which provided for an additional fifty cent (50¢) motor vehicle license registration fee for the control of air pollution in the State. If this fee is collected in counties with approved air 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) and was amended on September 15, 2020 via resolution R-2020-1385.

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. Proposed Resolution approving FY 2021/2022 Budget
2. FY 2021/2022 Air Pollution Control Program Budget
3. Comparison of Tag Fee Budgets FY 2021 & FY 2022
4. Resolution No. R-84-1196;
5. Resolution No. R-2020-1385 (adopted September 15, 2020)

Recommended By:  7/14/21  
 Department Director Date

Approved By:  7/28/21  
 Assistant 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	_____	_____	_____	_____	_____
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:**

*Sharon Matus* 7/15/21  
OFMB 7/15/21  
*Jacobson*  
*Jacobson* 7/15/21

*James Jacobowitz*  
Contract Dev. and Control  
7-21-21 TW

**B. Legal Sufficiency**

*[Signature]*  
Assistant County Attorney  
for Arlene W. Izd

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

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 2021/2022 will provide sufficient funds for this budget.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
ADOPTING THE FY 2021/22 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 2021/2022 is as follows:

	<u>Program Component</u>	<u>Annual Cost</u>
1	Personnel Salaries	\$374,129
2	Fringe Benefits	\$149,412
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	\$300
14	Promotional Items	\$900
15	Division Administrative Support	\$45,000
16	Legal Support	\$17,500
17	105 Match	\$185,000
18	Indirect Costs	\$85,704
19	Capital Items (>\$1,000)	\$45,620
	<b>TOTAL</b>	<b>\$961,565</b>

**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 2021/2022 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 Maria G. Marino** \_\_\_\_\_  
**Commissioner Gregg K. Weiss** \_\_\_\_\_  
**Commissioner Maria Sachs** \_\_\_\_\_  
**Commissioner Melissa McKinlay** \_\_\_\_\_  
**Commissioner Mack Bernard** \_\_\_\_\_

The Mayor thereupon declared the Resolution duly passed and adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED AS TO FORM  
& LEGAL SUFFICIENCY**

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

Joseph Abruzzo, Clerk & Comptroller

BY:   
County Attorney  
for Helene Hvizd

BY: \_\_\_\_\_  
Deputy Clerk

Attachment 2

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2021-2022

FUND		DEPARTMENT			DIVISION
AIR POLLUTION CONTROL TRUST FUND		FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY			ENVIRONMENTAL PUBLIC HEALTH
OBJECT CODE	ACCOUNT TITLE - SALARIES	RATE	EXPLANTATION	BUDGET REQUEST	
Tallam 29023	\$86,812.44	50%	ENVIRONMENTAL ADM.	\$43,406	
Bharadwaj 30896	\$44,786.56	20%	AC III	\$8,957	
Bhavsar 58573	\$52,549.90	20%	ENVIRONMENTAL SUPV III	\$10,510	
Devonshire 49846	\$42,924.18	40%	PROFESSIONAL ENGINEER III	\$17,170	
Dizek 68935	\$48,505.60	15%	ENVIRONMENTAL SPEC. III'	\$7,276	
Frank 9064415	\$47,840.00	100%	OPS GOVT OPS CONSLT III	\$47,840	
Ho sang 49849	\$28,100.28	60%	STAFF ASSISTANT	\$16,860	
Kalamaras 65377	\$54,535.52	55%	ENVIRONMENTAL ENGR. III	\$29,995	
Kahn 29024	\$27,495.26	25%	STAFF ASSISTANT	\$6,874	
Kidwell 4029	\$42,924.18	40%	ENVIRONMENTAL ENGR. III	\$17,170	
McCory 950580	\$41,600.00	60%	OPS ENVIRONMENTAL SPEC. II	\$24,960	
Morales 45576	\$56,310.54	50%	ENVIRONMENTAL MGR	\$28,155	
Reyes 28835	\$90,312.56	35%	ENVIRONMENTAL ADM (DIRECTOR)	\$31,609	
St. Ange 84874	\$47,424.26	30%	ENVIRONMENTAL SPEC III	\$14,227	
Ukpong 69370	\$48,660.30	60%	ENVIRONMENTAL CONSULTANT	\$29,196	
Wilson 45575	\$56,150.64	30%	ENVIRONMENTAL MGR	\$16,845	
Zyrianov 27861	\$48,686.82	20%	ENVIRONMENTAL SPEC. III'	\$9,737	
VACANT 02408	\$44,473.52	30%	ENVIRONMENTAL SPEC III	\$13,342	
		<b>SUB-TOTAL</b>		<b>\$374,129</b>	

Attachment 2

PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2021-2022

<u>FUND</u>		<u>DEPARTMENT</u>			<u>DIVISION</u>
AIR POLLUTION CONTROL TRUST FUND		FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY			ENVIRONMENTAL PUBLIC HEALTH
OBJECT CODE	ACCOUNT TITLE - FRINGE	Rate	Position Title	BUDGET REQUEST	
Tallam 29023	\$37,071	50%	ENVIRONMENTAL ADM.	\$18,535.50	
Bharadwaj 30896	\$27,791	20%	AC III	\$5,558.20	
Bhavsar 58573	\$30,988	20%	ENVIRONMENTAL SUPV III	\$6,197.60	
Devonshire 49846	\$7,648	40%	PROFESSIONAL ENGINEER III	\$3,059.20	
Dizek 68935	\$17,798	15%	ENVIRONMENTAL SPEC. III'	\$2,669.70	
Frank 9064415	\$520	100%	OPS GOVT OPS CONSLT III	\$520.00	
Ho sang 49849	\$24,834	60%	STAFF ASSISTANT	\$14,900.40	
Kalamaras 65377	\$22,688	55%	ENVIRONMENTAL ENGR. III	\$12,478.40	
Kahn 29024	\$4,915	25%	STAFF ASSISTANT	\$1,228.75	
Kidwell 4029	\$16,810	40%	ENVIRONMENTAL ENGR. III	\$6,724.00	
McCory 950580	\$452	60%	OPS ENVIRONMENTAL SPEC. II	\$271.20	
Morales 45576	\$31,656	50%	ENVIRONMENTAL MGR	\$15,828.00	
Reyes 28835	\$37,694	35%	ENVIRONMENTAL ADM (DIRECTOR)	\$13,192.90	
St. Ange 84874	\$28,259	30%	ENVIRONMENTAL SPEC III	\$8,477.70	
Ukpong 69370	\$28,477	60%	ENVIRONMENTAL CONSULTANT	\$17,086.20	
Wilson 45575	\$31,627	30%	ENVIRONMENTAL MGR	\$9,488.10	
Zyrianov 27861	\$28,482	20%	ENVIRONMENTAL SPEC. III'	\$5,696.40	
VACANT 02408	\$25,000	30%	ENVIRONMENTAL SPEC III	\$7,500.00	
		<b>SUB-TOTAL</b>	<b>SUB-TOTAL</b> Note: FRINGE BASED ON ACTUAL AMOUNTS	\$149,412	

**Attachment 2**

**PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2021-2022**

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



**Attachment 2**

**PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2021-2022**

<u>FUND</u>	<u>DEPARTMENT</u>		<u>DIVISION</u>
AIR POLLUTION CONTROL TRUST FUND	FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY		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	Data logger (Belle Glade - Agilaire 8872) and Ozone Analyzer (49iQ or API)	\$45,620
	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/22 from the U.S. Environmental Protection Agency.	\$185,000
	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.	\$85,704
		SUB-TOTAL	\$380,024
		BUDGET TOTAL	\$ 961,565

**Attachment 2**

**PALM BEACH COUNTY BUDGET SUPPORT INFORMATION - FISCAL YEAR 2021-2022**

**Comparison of Tag Fee Budgets FFY 2021 & FFY 2022**

MONTH	REVENUE	
	FY 20	FY 21
Oct	\$79,988.25	\$ 79,290.00
Nov	\$81,885.75	\$ 72,585.00
Dec	\$77,070.00	\$ 86,801.25
Jan	\$111,513.75	\$ 96,759.00
Feb	\$71,505.75	\$ 78,144.75
March	\$61,566.75	\$ 90,569.25
April	\$54,929.25	\$ 83,701.50
May	\$70,034.25	\$ 73,296.58 *
June	\$79,938.75	\$ 67,134.42 *
July	\$277,052.25	\$ 238,371.50 *
Aug	\$72,649.50	\$ 67,203.92 *
Sep	\$76,696.50	\$ 68,793.17 *
<b>TOTAL</b>	<b>\$1,114,830.75</b>	<b>\$ 1,102,650.33</b>

**NOTE:**

During FY 21, we collected the revenue at 75 cents per dollar.  
 \* estimated at average of the last 3 years

Comparison of Tag Fee Budgets FFY 2021 & FFY 2022			
	FY/21	FY/22	
Salaries	\$ 362,686.00	\$ 374,129.00	3.16%
Fringe Benefits	\$ 176,421.00	\$ 149,412.25	-15.31%
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)	\$ 36,000.00	\$ 45,620.00	26.72%
Legal Services	\$ 17,500.00	\$ 17,500.00	0.00%
105 Match	\$ 184,000.00	\$ 185,000.00	0.54%
EHE Adm Support	\$ 45,000.00	\$ 45,000.00	0.00%
Indirect Costs	\$ 88,252.00	\$ 85,704.00	-2.89%
	\$ 969,059.00	\$ 961,565.25	-0.77%

FY 2020 Unencumbered Balance:	\$386,242.27
Add: FFY 2020 Revenue	\$1,114,830.75
<b>TOTAL Estimated 2020 Unencumbered Balance</b>	<b>\$1,501,073.02</b>
<b>Budget for 2019-20</b>	<b>\$ 979,359.00</b>
Interest Earned	\$ 8,986.31
Estimated Balance on 9/30/2020	\$530,700.33
Estimated revenue during FY 2021	\$ 1,102,650.33
<b>TOTAL Est. BALANCE by 9/30/21</b>	<b>\$1,633,350.66</b>

Requested budget for FFY 2021-22	\$ 961,565.25
	<b>Yes</b>

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. Compton

Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

Wesley J. Thomas  
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 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.

*updated language approved by Cathy Linton Dott - Legal and Helene Heald - County Legal*

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

*7/14/24*

PALM BEACH COUNTY HEALTH DEPARTMENT

BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA

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

BY: *Xue Apollonia*  
*Chairman*

JOHN B. DUNKLE, CLERK

BY: *Ruth H. Compton*  
*Deputy Clerk*

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

*Henry C. ...*  
COUNTY ATTORNEY

R2020 1385

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

**SEP 15 2020**

**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 as 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:

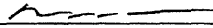
R2020 1385 SEP 15 2020

Sharon R. Bock  
Clerk and Comptroller

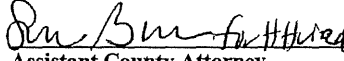
PALM BEACH COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY   
Deputy Clerk



BY   
Dave Kerner, Mayor

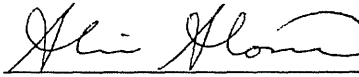
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

  
Nancy Bolton, Assistant County Administrator

STATE OF FLORIDA DEPARTMENT OF  
HEALTH, PALM BEACH COUNTY

  
DR. ALINA ALONSO, DIRECTOR