

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date:	December 7, 2021	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Department:	Fire-Rescue		

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file: a copy of the City of Lake Worth Beach’s Ordinance No. 2021-17, extending its participation in the County’s Fire/Rescue Municipal Services Taxing Unit (MSTU) through December 31, 2022.

**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 City has participated in the MSTU since December 31, 2008, as a mechanism to receive and fund County fire rescue services to the City. On September 27, 2021, the City adopted Ordinance No. 2021-17 to extend their participation in the MSTU retroactively from December 31, 2020 through December 31, 2022, for County fire rescue services through FY 2023. 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 2008, the City (Ordinance No. 2008-026, October 29, 2008), adopted a municipal ordinance consenting to the inclusion of their City into the Fire/Rescue MSTU as a mechanism to receive and fund County fire rescue services commencing October 1, 2009. On December 16, 2008, the County adopted Ordinance No. 2008-062 to amend the Fire/Rescue MSTU boundaries to include the City for the duration of the term identified in the City’s consenting ordinance as it may be extended from time to time. City Ordinance 2011-14 extended the City’s MSTU participation through December 31, 2020 for fire rescue services through FY 2021. The City’s Ordinance No. 2021-17 extends the City’s participation in the Fire/Rescue MSTU for an additional two 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:** City of Lake Worth Beach Ordinance No. 2021-17

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Recommended by:		11-16-2021
	Assistant Fire Chief	Date
Approved by:		11/16/2021
	Fire Rescue Administrator	Date
Approved by:		12/1/21
	Assistant County Administrator	Date



**ORDINANCE NO. 2021-17, AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA; PROVIDING FOR THE CITY'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF LAKE WORTH BEACH 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; 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 (MSTUs), 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 City of Lake Worth Beach ("City") by Ordinance No. 2008-26 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**, the County by Ordinance No. 2008-62 amended the boundaries of the Fire/Rescue MSTU to include the City for the duration of the term identified in City Ordinance No. 2008-26, as such term may be extended by the City from time to time; and

**WHEREAS**, City Ordinance No. 2011-14 affirmed, continued and extended the

City's consent and inclusion in the County's Fire/Rescue MSTU through December 31, 2020, and further provided that said consent and inclusion shall be deemed to continue through 7:30 a.m. on October 1, 2021, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by tax year 2020, including but not limited to the enforcement of applicable laws and regulations; and

**WHEREAS**, the City Commission of the City of Lake Worth Beach hereby desires to extend, for an additional two (2) year period through December 31, 2022, its consent to the inclusion of all the territory lying within the municipal boundaries of the City into the County's Fire/Rescue MSTU for County fire-rescue and related services within the City, and believes that such inclusion is in the best interest of the health, safety and welfare of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH 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 City Commission of the City of Lake Worth Beach hereby extends and consents to the inclusion of all territory within the incorporated municipal boundaries of the City, 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 City'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 City 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 City's consent to be included in the Fire/Rescue MSTU is hereby extended effective retroactively from December 31, 2020, to be implemented for tax year 2021 in order to fund and provide County fire-rescue and related services within the City as of October 1, 2021, and to provide for the City's continuing inclusion in the Fire/Rescue MSTU without interruption. The City's consent to be included in the County's Fire/Rescue MSTU shall continue retroactively from December 31, 2020, for a term of two (2) years through December 31, 2022; provided, however, that the City's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2023, to the extent necessary to enable the County to provide within the City 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 City intend to repeal its consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2022, the City shall provide written notice to the County, by March 1<sup>st</sup> of any given year, of the City’s intent to repeal this Ordinance and the consent provided herein effective December 31<sup>st</sup> of the same year. The City 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 31<sup>st</sup>. The City’s inclusion in the County’s Fire/Rescue MSTU shall terminate on said December 31<sup>st</sup>; provided, however, that the City’s inclusion in the County’s Fire/Rescue MSTU shall be deemed to continue through the following October 1<sup>st</sup> at 7:30 a.m. to the extent necessary to enable the County to provide within the City 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 City acknowledges that by opting into the 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. 2011-14 shall not be deemed repealed by this ordinance and shall expire as provided for therein; provided, however, that Ordinance No. 2011-14 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 City 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: Effective Date:** This ordinance shall be retroactively effective December 31, 2020, and shall become effective immediately upon passage.

The passage of this ordinance on emergency reading was moved by Commissioner McVoy, seconded by Commissioner Malega and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Herman Robinson	AYE

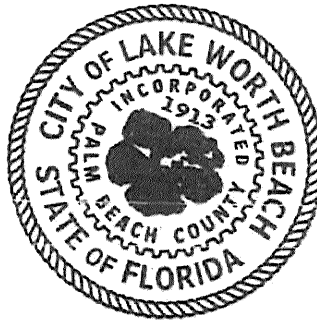
Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	AYE
Commissioner Kimberly Stokes	AYE

The Mayor thereupon declared this emergency ordinance duly passed on the 27<sup>th</sup> day of September, 2021.

LAKE WORTH BEACH CITY COMMISSION

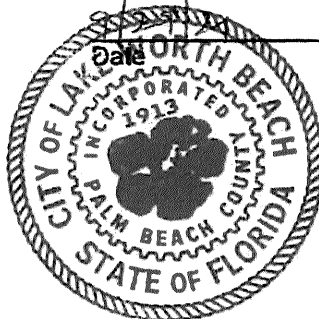
By: *Betty Resch*  
Betty Resch, Mayor

ATTEST:  
*Melissa Ann Coyne*  
Melissa Ann Coyne, City Clerk



STATE OF FLORIDA )  
COUNTY OF PALM BEACH ) 99  
CITY OF LAKE WORTH )  
I hereby certify the foregoing to be a true and correct copy  
of Ordinance 2021-17

In Witness whereof, I have hereunto set my hand and affixed the official seal of the City of Lake Worth, Florida.



*Melissa Ann Coyne*  
City Clerk