

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	August 23, 2022	<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 municipal ordinance No. 2022-04 of the City of Belle Glade ("City"), extending the City's participation in the Fire/Rescue Municipal Services Taxing Unit ("MSTU") through December 31, 2025.

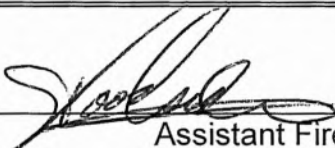


SUMMARY: The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within municipalities that have opted to join the MSTU. The County has provided fire rescue services to the City as part of the Fire/Rescue MSTU since October 1, 2006. The City adopted Ordinance No. 2022-04 to extend their participation through December 31, 2025 to fund fire-rescue services by the County through 7:30 a.m. on October 1, 2026. The City Ordinance is now being submitted to the Board of County Commissioners to receive and file. Countywide (SB)

Background and Justification: in 2005, the City adopted a municipal ordinance (No. 05-30) consenting to the inclusion of the City into the Fire/Rescue MSTU for fire/rescue services commencing on October 1, 2006. On December 20, 2005, the County adopted Ordinance No. 2005-064 amending 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. In 2016, the City adopted a municipal ordinance (No. 16-06) extending their participation in the Fire/Rescue MSTU for an additional five (5) years.

Currently the following municipalities are included in the Fire/Rescue MSTU: Belle Glade, Cloud Lake, Glen Ridge, Haverhill, Juno Beach, Lake Clarke Shores, Lake Park, Lake Worth Beach, Lantana, Loxahatchee Groves, Pahokee, Palm Springs, Royal Palm Beach, South Bay, South Palm Beach, Wellington and Westlake.

Attachment:

City of Belle Glade Ordinance No. 2022-04

Recommended by:		7-21-2022
	Assistant Fire Chief	Date
Approved by:		7-21-2022
	Fire Rescue Administrator	Date
Approved by:		8/4/2022
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	*0	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Proposed Budget? Yes ___ No X
 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 this item. Funding for service to the City is currently provided from the main Fire/Rescue MSTU (Fund 1300). Extending the City's participation in the Fire/Rescue MSTU will not change the amount of revenue received for fire-rescue services.

C. Departmental Fiscal Review: my what may

III. REVIEW COMMENTS

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

<p><u>Eric M. [Signature] 7/25/22</u> OFMB 9A 725-22</p>	<p><u>[Signature] 7/11/22</u> Contract Development and Control</p>
---	---

B. Legal Sufficiency

[Signature] 8/3/22
 Assistant County Attorney

C. Other Department Review:

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA; PROVIDING FOR THE CITY'S CONSENT TO THE INCLUSION OF THE ENTIRE TERRITORY WITHIN THE CITY OF BELLE GLADE 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, SEVERABILITY, CAPTIONS, AND AN 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 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 Belle Glade ("City") by Ordinance No. 05-30 consented to its inclusion in the County's Fire/Rescue MSTU for a ten (10) year term through December 31, 2015, as a mechanism to receive and fund County fire-rescue services through September 30, 2016; and

WHEREAS, the County by Ordinance No. 2005-064 amended the boundaries of the Fire/Rescue MSTU to include the City for the duration of the term identified in City Ordinance No. 05-30, as such term may be extended by the City from time to time; and

WHEREAS, City Ordinance No.16-06 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 hereby desires to extend, for an additional five (5) year period through December 31, 2025, 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 until 7:30 a.m. on October 1, 2026, 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 BELLE GLADE, 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 hereby ratifies, affirms, 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 ratify and 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 ratified and extended effective retroactively from December 31, 2020, 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 five (5) years through December 31,

2025; 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, 2026, 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, 2025, the City shall provide written notice to the County, by March 1st of any given year, of the City's intent to repeal this Ordinance and the consent provided herein effective December 31st 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 31st. The City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the City'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 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 City 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.16-06 shall not be deemed repealed by this Ordinance and shall expire as provided for therein; provided, however, that Ordinance No.16-06 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: 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 8: Effective Date: This Ordinance shall be retroactively effective December 31, 2020. Notwithstanding anything here to the contrary, the City's continuing participation in the MSTU is contingent upon the County maintaining an ordinance including the City within the Fire/Rescue MSTU.

The foregoing Ordinance was moved by Almazan, seconded by Berry and upon being put to the vote, the vote was as follows:

	AYE	NAY
Honorable Mayor Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Almazan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Wilkerson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PASSED on first reading at Regular Session of the City Commission held on May 16, 2022.

The foregoing ordinance was moved by Almazan, seconded by Martin and upon being put to the vote, the vote was as follows:

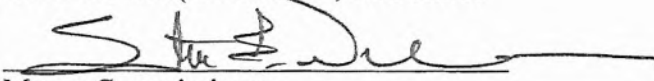
	AYE	NAY
Honorable Mayor Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Almazan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Berry	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PASSED on second and final reading at Special Session of the City Commission held on June 13, 2022.

(Signature page to follow)

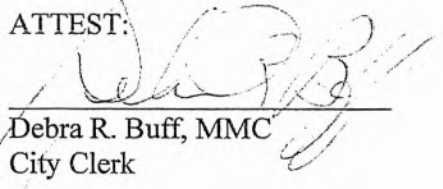
CITY OF BELLE GLADE, FLORIDA

(MUNICIPAL SEAL)



Mayor-Commissioner

ATTEST:



Debra R. Buff, MMC
City Clerk

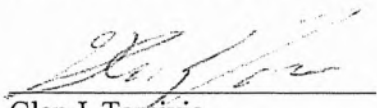






APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Commissioners



Glen J. Torcivia
City Attorney