

4E-1

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: December 20, 2022 [ ] Consent [ ] Regular  
[ ] Ordinance [X] Public Hearing  
Department: Facilities Development & Operations  
Department: Engineering and Public Works

**I. EXECUTIVE BRIEF**

Motion and Title: Staff recommends motion to adopt:

- A) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 19-20 of the Palm Beach County Code; providing for repeal of laws in conflict; providing for severability; providing for a savings clause; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date; and
- B) a resolution recognizing that the Facilities Development and Operations Department (FDO) is responsible for the management of parking lots and parking garages in and around certain County facilities.

**Summary:** This is an ordinance to amend Section 19-20 of the Palm Beach County Parking Ordinance (Ordinance 2006-008) to recognize certain County parking management practices. The Palm Beach County Parking Ordinance, among other things, authorizes the County Engineer to determine and designate traffic restrictions on certain roads within the boundaries of the County, and, subject to resolution of the Board, to establish parking regulations in parking areas located on property owned or leased by the County, whether or not such parking areas are located within the boundaries of a municipality. The proposed revision to the Ordinance recognizes that the County Engineer may delegate his authority to establish parking regulations for certain parking facilities to other County departments. Since the first reading to amend this Ordinance on November 15, 2022, a minor edit was made, removing reference to the pronouns "his or her" to the revision recognizing the County Engineer's delegation authority. The Facilities Development & Operations department (FDO) has long been responsible for the parking lots and parking garages, including parking meters, at certain County facilities operated and managed by FDO. FDO has also long been responsible for collecting and accounting for the monies generated by the metered parking at these facilities. FDO is requesting the Board of County Commissioners (Board) recognize that FDO is responsible for managing certain county parking garages and lots, and is responsible for managing the assessments and collection of metered parking fees. The Resolution authorizes FDO to manage and maintain the parking garages and lots associated with County facilities operated and managed by FDO, and to collect and account for the monies generated by metered parking. The Resolution also requires that FDO prepare a policy and procedure memorandum (PPM) regarding how the FDO Director is to review metered parking fees from time to time and determine whether the parking fee should be raised or lowered. Finally, the Resolution requires that FDO seek Board approval before installing metered parking at any County facility that does not already have metered parking as of the date of this Resolution. Currently, only three of the locations managed by FDO provide for assessment of metered parking fees: the Judicial Center Garage and surface lot, the Governmental Center Garage, and the 4<sup>th</sup> Street surface lot located adjacent to the Governmental Center. The County Engineer will continue to maintain authority over any metered parking within County road rights of way. The County Engineer has no objection and supports this request. (FDO Admin) Countywide (MWJ)

**Background & Policy Issues:** The Palm Beach County Parking Ordinance only provides the County Engineer with certain authority regarding parking regulations and metered parking within the County. However, FDO, as the department responsible for managing most County-owned facilities, has long had the role of managing certain County facility parking garages and lots, setting parking rules and regulations for such sites and assessing and collecting metered parking fees.

**Attachments:**

- 1. Proposed Code Amendment: Strike Through-Underlined Version
- 2. Proposed Code Amendment: Clean Version
- 3. Resolution

Recommended By: MB [Signature] Department Director Date: 11/21/22  
Approved By: [Signature] County Administrator Date: 12/7/22

## II. FISCAL IMPACT ANALYSIS

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT*</b>	_____	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
<b>Is Item Included in Current Budget:</b>		Yes _____		No _____	
<b>Does this items include use of federal funds?</b>		Yes _____		No _____	
Budget Account No: Fund _____ Dept _____ Unit _____ Object _____ Program _____					

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

\*This item has no fiscal impact. Revenues from parking operations are incorporated into FDO's annual operating budget and allocated to revenue accounts 0001/410/5250/4450 and 0001/410/5250/4451. In FY22, total revenues received from parking fees amounted to \$303,689.62.

**C. Departmental Fiscal Review:** \_\_\_\_\_

### III. REVIEW COMMENTS

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

<p style="text-align: center;"><u>ASDUA 11/28/22</u> OFMB <span style="float: right;">ESW</span> <span style="float: right;">11-28-22</span></p>	<p style="text-align: center;"><u>John J. Jarbo</u> 11/30/22 Contract Development and Control</p>
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**B. Legal Sufficiency:**

[Signature] 11/30/22  
Assistant County Attorney

**C. Other Department Review:**

[Signature]  
Department Director

1 **ORDINANCE NO. 2022-\_\_\_**

2 **AN ORDINANCE OF THE BOARD OF COUNTY**  
3 **COMMISSIONERS OF PALM BEACH COUNTY,**  
4 **FLORIDA, AMENDING SECTION 19-20 OF THE**  
5 **PALM BEACH COUNTY CODE; PROVIDING FOR**  
6 **REPEAL OF LAWS IN CONFLICT; PROVIDING FOR**  
7 **SEVERABILITY; PROVIDING FOR A SAVINGS**  
8 **CLAUSE; PROVIDING FOR INCLUSION IN THE**  
9 **CODE OF LAWS AND ORDINANCES; AND**  
10 **PROVIDING FOR AN EFFECTIVE DATE**

11  
12 **WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida  
13 (“Board”) enacted Ordinance No. 2006-008, “The Palm Beach County Parking Ordinance”  
14 (the “Parking Ordinance”), which, among other things, authorized the County Engineer to  
15 determine and designate traffic restrictions on certain roads within the boundaries of  
16 County, and, subject to resolution of the Board, to establish parking regulations in parking  
17 areas located on property owned or leased by the County, whether or not such parking areas  
18 are located within the boundaries of a municipality; and

19 **WHEREAS**, the Board has deemed it necessary to amend the Parking Ordinance  
20 to recognize that the County Engineer may delegate his/her authority to establish parking  
21 regulations to other County departments.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
23 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:**

24 **ARTICLE 1. Sec. 19-20 of the Palm Beach County Code is hereby amended as**  
25 **follows:**

26 Sec. 19-20. - County engineer to designate parking restrictions on county roads.

27 The county engineer is hereby authorized to determine and designate traffic restrictions  
28 which are reasonable and conform to the state department of transportation criteria and  
29 necessary for the welfare of the public on county roads or roads over which the county has  
30 jurisdiction for traffic control, traffic regulation and stopping, standing and parking within  
31 the boundaries of the county. Notwithstanding the above, the county shall have original  
32 jurisdiction to regulate parking, by resolution of the board of county commissioners, and  
33 thereafter the county engineer, or designee, is hereby authorized to establish such parking

34 regulations in parking areas located on property owned or leased by the county including  
35 airports, whether or not such parking areas are located within the boundaries of a  
36 municipality. Such restrictions shall include but are not limited to the following:

- 37 (1) All night parking.
- 38 (2) Angle parking.
- 39 (3) Parking on the left side of a one-way street or highway.
- 40 (4) Parking on one-way streets.
- 41 (5) Parking in hazardous places.
- 42 (6) Curb loading zones.
- 43 (7) Bus stops, taxi stands, etc.
- 44 (8) Prohibited parking.
- 45 (9) Limited parking.
- 46 (10) Parking meter locations.

47  
48 **ARTICLE 2. REPEAL OF LAWS AND ORDINANCES IN**  
49 **CONFLICT:**

50 All local laws and ordinances in conflict with any provision of this Ordinance  
51 are hereby repealed to the extent of any such conflict.

52 **ARTICLE 3. SEVERABILITY:**

53 If any provision, article, paragraph, sentence, clause, phrase, or work of this  
54 Ordinance is for any reason held by a court to be unconstitutional, inoperative, or  
55 void, such holding shall not affect the remainder of this Ordinance.

56 **ARTICLE 4. CAPTIONS:**

57 The captions, sections headings, and section designations used in this  
58 Ordinance are for convenience only and shall have no effect on the interpretation of  
59 the provisions of this Ordinance.

60 **ARTICLE 5. SAVINGS CLAUSE:**

61 Notwithstanding anything to the contrary, all provisions of Ordinance No. 2006-  
62 008, which are codified in Sections 19-16 through 19-24 of the Palm Beach County Code,  
63 are specifically preserved and remain in full force and effect for the limited purpose of  
64 enforcing any alleged violations of said Code which occurred prior to its amendment.

65         **ARTICLE 6.         INCLUSION IN THE CODE OF LAWS AND**  
66 **ORDINANCES:**

67               The provisions of this Ordinance shall become and be made a part of the Code  
68 of Laws and Ordinances of Palm Beach County, Florida. The articles and sections of  
69 this Ordinance may be renumbered or relettered to accomplish such, and the word  
70 “Ordinance” may be changed to “Section”, “Article”, or other appropriate word.

71               **ARTICLE 7.         EFFECTIVE DATE:**

72               The provisions of this Ordinance shall become effective upon filing  
73 with the Department of State.

74               APPROVED and ADOPTED by the Board of County Commissioners of Palm  
75 Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

76  
77 JOSEPH ABRUZZO   PALM BEACH COUNTY, FLORIDA, BY ITS  
78 CLERK & COMPTROLLER                                     BOARD OF COUNTY COMMISSIONERS

79  
80 By: \_\_\_\_\_   By: \_\_\_\_\_  
81     Deputy Clerk   , Mayor

82  
83 APPROVED AS TO  
84 LEGAL SUFFICIENCY

85  
86 By:  \_\_\_\_\_  
87     Assistant County Attorney

88  
89               EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
90 \_\_\_\_\_,  
91 \_\_\_\_\_, 2022.

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16 County, and, subject to resolution of the Board, to establish parking regulations in parking  
17 areas located on property owned or leased by the County, whether or not such parking areas  
18 are located within the boundaries of a municipality; and

19 **WHEREAS,** the Board has deemed it necessary to amend the Parking Ordinance  
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21 regulations to other County departments.

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70 “Ordinance” may be changed to “Section”, “Article”, or other appropriate word.

71 **ARTICLE 7. EFFECTIVE DATE:**

72 The provisions of this Ordinance shall become effective upon filing  
73 with the Department of State.

74 APPROVED and ADOPTED by the Board of County Commissioners of Palm  
75 Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

76  
77 JOSEPH ABRUZZO  
78 CLERK & COMPTROLLER

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

79  
80 By: \_\_\_\_\_  
81 Deputy Clerk

By: \_\_\_\_\_  
, Mayor

82  
83 APPROVED AS TO  
84 LEGAL SUFFICIENCY

85  
86 By:   
87 Assistant County Attorney  
88

89 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
90 \_\_\_\_\_, 2022.  
91



RESOLUTION NO. 2022-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RECOGNIZING THAT THE FACILITIES DEVELOPMENT AND OPERATIONS DEPARTMENT IS RESPONSIBLE FOR THE MANAGEMENT OF PARKING LOTS AND PARKING GARAGES IN AND AROUND CERTAIN COUNTY FACILITIES**

**WHEREAS**, the Palm Beach County (County) Parking Ordinance, among other things, authorizes the County Engineer to determine and designate traffic restrictions on certain roads within the boundaries of the County, and, subject to resolution of the Board, authorizes the County Engineer or his or her designee, to establish parking regulations in parking areas located on property owned or leased by the County, whether or not such parking areas are located within the boundaries of a municipality; and

**WHEREAS**, the Facilities, Development & Operations Department (FDO) has long been responsible for the parking lots and parking garages, including parking meters, at County facilities operated and managed by FDO (FDO Parking Areas); and

**WHEREAS**, FDO and the County Engineer agree that it is more efficient and effective for FDO, the department responsible for managing and maintaining these County facilities, to be responsible for managing and maintaining the FDO Parking Areas, including installing and maintaining metered parking, collecting and accounting for the monies generated by the metered parking, and, from time to time, increasing or decreasing the metered parking fee in the FDO Parking Areas.

**WHEREAS**, FDO and the County Engineer also agree that it is more efficient and effective for the County Engineer to maintain authority over and responsibility for any parking areas within County road rights of way, including the installation and maintenance of metered parking, the collection and accounting of the monies generated by the metered parking, and, from time to time, the increase or decrease of the metered parking fee,.

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

**SECTION 1.** The foregoing recitals are true and correct.

**SECTION 2.** The Board of County Commissioners hereby authorizes FDO, and directs the County Engineer to delegate the authority to the Director of FDO, to: 1) manage and maintain the FDO Parking Areas), 2) install and maintain metered parking within the FDO Parking Areas, 3) collect and account for the monies generated by the metered parking within the FDO Parking Areas, and 4) develop a policy and procedure memorandum under which the FDO Director may from time to time review and either increase or decrease the metered parking fee within the FDO Parking Areas. FDO shall seek the Board of County Commissioners approval before installing metered parking in any FDO Parking Areas that do not already have metered parking as of the date of this Resolution.

**SECTION 3.** This Resolution shall become effective upon passage.

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:

District 1: Maria Marino	_____
District 2:	_____
District 3: Dave Kerner	_____
District 4:	_____
District 5: Maria Sachs	_____
District 6:	_____
District 7: Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passes and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED AS TO  
LEGAL SUFFICIENCY**

By:  \_\_\_\_\_  
**County Attorney**

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

**JOSEPH ABRUZZO, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER**

By: \_\_\_\_\_  
**Deputy Clerk**