

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 4, 2023 [X] Consent [ ] Regular  
[ ] Workshop [ ] Public Hearing

Department: Fire Rescue

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file: a copy of municipal ordinance No. 2022-24 of the City of Lake Worth Beach ("City"), extending the City's participation in the Fire/Rescue Municipal Services Taxing Unit ("MSTU") through December 31, 2025.

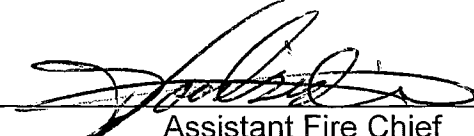
**SUMMARY:** The Fire/Rescue MSTU encompasses the unincorporated areas of Palm Beach County plus the incorporated areas within municipalities that have opted to join the MSTU. The County has provided fire rescue services to the City as part of the Fire/Rescue MSTU since October 1, 2009. The City adopted Ordinance No. 2022-24 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 2008, the City adopted a municipal ordinance (No. 2008-26) consenting to the inclusion of the City into the Fire/Rescue MSTU for fire/rescue services commencing on October 1, 2009. On December 16, 2008, the County adopted Ordinance No. 2008-062 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 2011, the City adopted a municipal ordinance (No. 2011-14) extending their participation in the Fire/Rescue MSTU through December 31, 2020. In 2021, the City adopted a municipal ordinance (No. 2021-17) extending their participation in the Fire/Rescue MSTU through December 31, 2022.

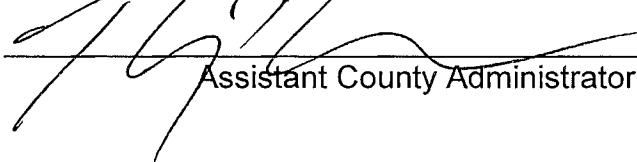
Currently the following municipalities are included in the Fire/Rescue MSTU: Belle Glade, Cloud Lake, Glen Ridge, Haverhill, Juno Beach, Lake Clarke Shores, Lake Park, Lake Worth Beach, Lantana, Loxahatchee Groves, Pahokee, Palm Springs, Royal Palm Beach, South Bay, South Palm Beach, Wellington and Westlake.

**Attachment:**

City of Lake Worth Beach Ordinance No. 2022-24

Recommended by:  3-3-2023  
Assistant Fire Chief Date

Approved by:  3-3-2023  
Fire/Rescue Administrator Date

Approved by:  3/14/2023  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	*0	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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: *emahs may*

**III. REVIEW COMMENTS**

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

*Lera Monte 3/8/23*  
 OFMB GA 318 *ESW*  
*3-8-23*

*Joe J. ... 3/10/23*  
 Contract Development and Control

**B. Legal Sufficiency**

*Ben ... 3/13/23*  
 Assistant County Attorney

**C. Other Department Review:**

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

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

**ORDINANCE 2022-24 – AN 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; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, 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 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**, City Ordinance No. 2021-17 affirmed, continued and extended the City’s consent and inclusion in the County’s Fire/Rescue MSTU through December 31, 2022, and further provided that said consent and inclusion 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 tax year 2022, including but not limited to the enforcement of applicable laws and regulations; and

**WHEREAS**, the City Commission hereby desires to extend, 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 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 hereby 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 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 from December 31, 2022, to be implemented for tax year 2023 in order to fund and provide for County fire-rescue and related services within the City as of October 1, 2023, and to provide for the City's continuing inclusion in the Fire/Rescue MSTU without interruption. The City's extended consent to be included in the County's Fire/Rescue MSTU shall continue from December 31, 2022 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:** Except as otherwise set forth herein, 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 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.

Should the City intend to repeal its consent to be included in the Fire/Rescue MSTU based upon the County's assignment or transfer of the Fire/Rescue MSTU, or its duties thereunder, to any other entity, the City shall provide a minimum of thirty (30) days prior written notice to the County. 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 after adoption. The city's inclusion in the County's Fire/Rescue MSTU shall terminate on the date set forth in the repealing ordinance which shall coincide with December 31<sup>st</sup> at the end of a given tax year; provided, however, that the City's inclusion in the Fire/Rescue MSTU shall be deemed to continue through the following October 1<sup>st</sup> at 7:30 a.m. or the date of the assignment or transfer of the Fire/Rescue MSTU, whichever occurs sooner, 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. 2021-17 shall not be deemed repealed by this Ordinance and shall expire as provided for therein; provided, however, that Ordinance No. 2021-17 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: Codification:** The provisions of this Ordinance may become and be made a part of the code of ordinances of the City. 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 effective retroactively to December 31, 2022. 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 passage of this ordinance on first reading was moved by Vice Mayor McVoy, seconded by Commissioner Stokes, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Christopher McVoy	AYE
Commissioner Sarah Malega	AYE
Commissioner Kimberly Stokes	AYE
Commissioner Reinaldo Diaz	AYE

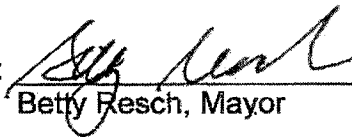
The Mayor thereupon declared this ordinance duly passed on first reading on the 6<sup>th</sup> day of December, 2022.

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


Mayor Betty Resch	AYE
Vice Mayor Christopher McVoy	AYE
Commissioner Sarah Malega	AYE
Commissioner Kimberly Stokes	AYE
Commissioner Reinaldo Diaz	AYE

The Mayor thereupon declared this ordinance duly passed on the 3<sup>rd</sup> day of January, 2023.

LAKE WORTH BEACH CITY COMMISSION

By:   
Betty Resch, Mayor

ATTEST:

  
FOL Melissa Ann Coyne, City Clerk

