

**MEETING: BOARD OF COUNTY COMMISSIONERS, REGULAR/WORKSHOP**

1. **CALL TO ORDER:** March 27, 2001, at 9:36 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. **ROLL CALL**

MEMBERS AND OFFICERS PRESENT:

Chair Warren H. Newell  
Vice Chair Carol A. Roberts - Arrived later  
Commissioner Burt Aaronson - Arrived later  
Commissioner Addie L. Greene  
Commissioner Mary McCarty  
Commissioner Karen T. Marcus  
Commissioner Tony Masilotti  
County Administrator Robert Weisman  
County Attorney Robert P. Banks  
Deputy Clerk Carl Zettelmeier

2. **AGENDA APPROVAL**

2.A. **ADDITIONS, DELETIONS, SUBSTITUTIONS**

County Administrator Weisman noted the agenda change:

<u>PAGE</u>	<u>ITEM</u>		
1	5D-1	<b>ADD-ON:</b>	A county deed in favor of the City of West Palm Beach for property adjacent to Australian Avenue. <b>SUMMARY:</b> This item will transfer title of county-owned property to the city for its retention project. <u>District 2</u> (PFK) (Eng)

2.B. **ADOPTION**

**MOTION to adopt the agenda as amended. Motion by Commissioner Marcus, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Aaronson and Roberts absent.**

**WORKSHOP ITEMS**

2.C. **UNSCHEDULED ITEMS** - See pages 3 and 10.

3. **9:30 A.M.** - See pages 4-9.

4. **2:00 P.M.** - See page 9.

5. **REGULAR AGENDA**

5.A. **CLERK**

5.A.1.

WARRANT LIST DATED MARCH 23, 2001. APPROVED 3-27-2001

COMPUTER CHECKS	\$ 18,938,135.26
WIRE TRANSFERS	230,995,283.66
MANUAL CHECKS	93,933.15
EFT TRANSFERS	<u>964,865.98</u>
	\$250,992,218.05

**MOTION to approve the warrant list. Motion by Commissioner Marcus,**

seconded by Commissioner Masilotti, and carried 5-0.  
Commissioners Aaronson and Roberts absent.

**REGULAR AGENDA - CONTINUED**

**5.A.2.**

CONTRACTS ON THE CONTRACT LIST EXECUTED BY THE PURCHASING DIRECTOR OR TOURIST DEVELOPMENT DIRECTOR THAT CUMULATIVELY TOTAL \$10,249,000:

**a.**

TERM CONTRACT WITH ASCI CORPORATION FOR \$120,000 FOR LABORATORY SERVICES FOR VARIOUS WATER ANALYSES REQUIRED BY THE WATER UTILITIES DEPARTMENT FROM APRIL 1, 2001, THROUGH MARCH 31, 2002, PER BID 01-036/TS. APPROVED 3-27-2001

**b.**

TERM CONTRACT WITH BV OIL COMPANY, INC., DIVERSIFIED OIL COMPANY, MACMILLAN OIL COMPANY, PETROLEUM TRADERS, INC., AND PORT CONSOLIDATED, INC., FOR A TOTAL OF \$8,950,000 TO PURCHASE GASOLINE AND DIESEL FUEL ON AN AS-NEEDED BASIS FROM APRIL 1, 2001, THROUGH OCTOBER 31, 2002, PER BID 99-161A/PP. APPROVED 3-27-2001

**c.**

TERM CONTRACT WITH AT&T WIRELESS SERVICES AND BELLSOUTH MOBILITY FOR \$210,000 TO PROVIDE CELLULAR TELEPHONE SERVICES, EQUIPMENT, ACCESSORIES, AND PARTS FROM APRIL 1, 2001, THROUGH DECEMBER 21, 2001, PER STATE OF FLORIDA CONTRACT 725-330-98-1. APPROVED 3-27-2001

**d.**

TERM CONTRACT WITH BRIDGESTONE/FIRESTONE, INC., FOR \$214,000 TO PURCHASE APPROXIMATELY 660 RADIAL TIRES FOR PALM TRAN FROM APRIL 22, 2001, THROUGH APRIL 21, 2002, PER BID 01-056/TS. APPROVED 3-27-2001

**e.**

TERM CONTRACT WITH LEWIS GRAHAM LANDSCAPE, POWELL LANDSCAPING, B & J LAWN AND LANDSCAPING, AND QUALITY CUT LAWN MAINTENANCE FOR \$750,000 TO MAINTAIN THE GROUNDS OF COUNTY BUILDINGS IN THE NORTH, SOUTH, AND WEST COUNTY FROM APRIL 1, 2001, THROUGH MARCH 31, 2002, PER BID 00-066/CC. APPROVED 3-27-2001

**f.**

**DOCUMENT R-2001-0448**

CATEGORY G GRANT AGREEMENT WITH USA CANOE/KAYAK NATIONAL TEAM TRAINING CAMP AND SPRING RACE FOR \$5,000 FOR BID/RIGHTS FEES FROM JANUARY 1, 2001, THROUGH APRIL 15, 2001. APPROVED 3-27-2001

**MOTION to approve the contract list. Motion by Commissioner Marcus, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Aaronson and Roberts absent.**

**5.B. OFFICE OF FINANCIAL MANAGEMENT AND BUDGET**

**5.B.1. BUDGET AMENDMENT 2001-0646**

BUDGET AMENDMENT TO SET UP \$75 MILLION GENERAL OBLIGATION BONDS, SERIES 2001 (LAND CONSERVATION PROGRAM) CAPITAL PROJECT FUND, AND

RECORD BOND PROCEEDS (\$75,499,112), COST OF ISSUANCE (\$608,506), AND RESERVES FOR PROPERTY ACQUISITION (\$74,890,606). APPROVED 3-27-2001

**REGULAR AGENDA - CONTINUED**

**5.B.1. - CONTINUED**

**MOTION to approve the budget amendment. Motion by Commissioner Marcus, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Aaronson and Roberts absent.**

**5.C. COUNTY ATTORNEY**

**5.C.1.**

SETTLEMENT IN THE EMINENT DOMAIN ACTION STYLED THE COUNTY V. VILLAS OF WILLOWOOD HOMEOWNERS' ASSOCIATION ET AL., CASE CL-99-006835-AE, PARCEL 18, FOR IMPROVEMENTS TO LANTANA ROAD FROM MILITARY TRAIL TO CONGRESS AVENUE, PROJECT 94505. THE COUNTY ACQUIRED A TEMPORARY CONSTRUCTION EASEMENT ON PARCEL 18 FOR THE IMPROVEMENT OF LANTANA ROAD. THIS SETTLEMENT WILL CONCLUDE ALL MATTERS RELATING TO THIS PARCEL, INCLUDING ATTORNEY FEES BASED ON THE MONETARY BENEFIT TO THE DEFENDANT, BUT EXCLUDING ATTORNEY FEES ARISING FROM ANY NON-MONETARY BENEFITS OR SUPPLEMENTAL PROCEEDINGS AND EXPERT FEES AND COSTS, WHICH THE COURT WILL DETERMINE AT A LATER DATE. THE COUNTY HAS NEGOTIATED A PROPOSED SETTLEMENT OF \$29,224, PLUS THE CLERK'S REGISTRY DEPOSIT FEE OF \$100, FOR A TOTAL OF \$29,324. THE SETTLEMENT ALSO PROVIDES FOR ADDITIONAL NON-MONETARY COMPENSATION TO THE PROPERTY OWNER IN THE FORM OF CERTAIN MODIFICATIONS AND IMPROVEMENTS TO THE PARCEL. APPROVED 3-27-2001

**MOTION to approve the settlement. Motion by Commissioner Marcus, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Aaronson and Roberts absent.**

**5.D. ENGINEERING AND PUBLIC WORKS**

**5.D.1. DOCUMENT R-2001-0449**

COUNTY DEED IN FAVOR OF THE CITY OF WEST PALM BEACH FOR PROPERTY [+/- .30 ACRE] ADJACENT TO AUSTRALIAN AVENUE, WHICH WILL TRANSFER TITLE OF THE COUNTY OWNED PROPERTY TO THE CITY FOR ITS RETENTION PROJECT. APPROVED 3-27-2001

**MOTION to approve the deed. Motion by Commissioner Marcus, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Aaronson and Roberts absent.**

**2.C. UNSCHEDULED ITEM**

**2.C.1.**

GOVERNOR'S ELECTIONS TASK FORCE RECOMMENDATIONS. DISCUSSED WITH DIRECTION 3-27-2001

Commissioner Newell directed County Administrator Weisman to place the report of the governor's elections task force on the agenda of the next scheduled meeting of the board.

No backup submitted.

(CLERK'S NOTE: Commissioners Aaronson and Roberts joined the meeting.)

## WORKSHOP ITEMS

3. 9:30 A.M. - COUNTYWIDE UNIFORM ADDRESSING, FINANCIAL IMPACT OF ANNEXATION ON THE FIRE-RESCUE AND LIBRARY DEPARTMENTS, AND ON FIRE-RESCUE LEVELS OF SERVICE ISSUES. DISCUSSED WITH DIRECTION 3-27-2001

Planning, Zoning and Building Executive Director Dominic Sims reported that staff had drafted a letter for the chair's signature to the Intergovernmental Coordinating Council on the subject of addressing in the county. He said he expected a task force to be organized on the issue that would return to the board with recommendations on the magnitude of the problem and its possible solutions.

Fire-Rescue Administrator Herman K. Brice said his purpose in coming before the board was to receive direction on the siting of fire-rescue stations that would enable his department to avoid building in locations that might become annexed by municipalities.

Chief Brice summarized some of the problems resulting from annexation as follows:

- The county policy of supporting annexation and the squaring off of boundaries often results in a loss of revenue by the Fire-Rescue and Library taxing districts without a corresponding reduction in expenses if the municipality is not in the taxing district or the Municipal Service Taxing Unit (MSTU).
- Cities often annex high-value, low-demand areas ("cherry picking") and leave to the county areas that require more frequent service but that lack a valuation sufficient to support that need for service.
- The result is that long-range planning by Fire-Rescue is made very difficult, especially given the charge to the department to provide quality service while reducing response times, addressing population growth, and becoming more cost-effective.

Chief Brice said that a glance at the annexation map would show that the only areas left to the county, should the municipalities exercise their announced preferences in annexing areas, would be the Jupiter Farms area, the Agricultural Reserve, and the west areas of Boca Raton and Delray Beach. He conceded that this was an extreme scenario but pointed out that, should it happen, Fire-Rescue would have to close 13 fire stations.

Turning to levels of service, Chief Brice said that there was no consensus on what constituted adequate levels of service for fire-rescue departments, though several attempts to develop standards were under way nationally. In the absence of a national standard, he continued, the Fire-Rescue Task Force, working with the Intergovernmental Coordinating Council, had developed three levels of service for use by the municipalities and the county in negotiations on the issue of mutual assistance. He outlined the definitions of these levels of service and the municipalities that fell into each.

## WORKSHOP ITEMS - CONTINUED

### 3. 9:30 A.M. - CONTINUED

The interlocal agreements between the county and municipalities were of three kinds, Chief Brice pointed out. These include automatic aid (closest unit response), mutual aid (at no cost), and special assistance on a fee-for-service basis. At least eight municipalities had no agreement at all with the county covering fire-rescue services, he said.

One model agreement governing dispatch services was in effect, he continued, between Palm Beach Gardens and the county. There was also an agreement for Palm Beach County Fire-Rescue to provide Med-Com services for all emergency medical service providers and initial dispatching for American Medical Resource (AMR) that is paid for by the General Fund. The key to successful resolution of the problems the county faces in providing fire-rescue services, Chief Brice contended, is a countywide communications system coupled with a countywide level of service.

Finally, Chief Brice outlined four options available to the county concerning the annexation issue and its implications:

- Encourage annexing municipalities to enter into interlocal agreements for the county to continue providing fire-rescue service.
- Request the annexing city to opt into the fire-rescue MSTU by ordinance for the area being annexed.
- Attach level-of-service requirements to the certificate of necessity process (for Emergency Medical Services ((EMS)) service only).
- Amend the county charter to include the establishment of minimum levels of service for fire-rescue as a function of county government, which would require a referendum.

Commissioner Roberts asked whether a referendum could address the recovery of the costs the county incurs for services provided to municipalities and to entities such as AMR. Chief Brice said, with the authority from an amended charter and an agreed-upon level of service, the costs could be projected. Staff could provide the projections using the local levels of service, he said. Commissioner Roberts said she wanted comments from the full board before anyone began working on an analysis of the costs.

Commissioner Masilotti asked whether the county was actually losing money in cases where annexation made it necessary to continue service to an area from which tax revenues were no longer collected or whether it was merely the case that, because of growth elsewhere, the county was simply not collecting revenue at the same pace as before the annexation. Chief Brice conceded that the latter interpretation was the case. Commissioner Masilotti also asked where Fire-Rescue saw the greatest likelihood for annexation taking place. Chief Brice suggested that annexations by Greenacres and Palm Springs, both of which are in the middle of the county's service area, will not allow the county to close any fire stations. Finally, Commissioner Masilotti said he felt that development of countywide levels of service was more

appropriately the responsibility of the League of Cities than the Board of County Commissioners.

#### WORKSHOP ITEMS - CONTINUED

#### 3. 9:30 A.M. - CONTINUED

Commissioner Marcus said she wanted the county to get out of the business of subsidizing fire-rescue services in municipalities that had opted not to pay for their own. She said a countywide level of service was a necessary first step in the direction of ending this subsidy. Chief Brice said there was no policy that forbade a response by county Fire-Rescue when aid was requested by a municipality that had no agreement for assistance.

The chief suggested a countywide level of service supported by ad valorem taxation and augmentation by individual municipalities that wished a level of service over and above the countywide minimum as a possible answer to this problem.

Like Commissioner Roberts, Commissioner Aaronson favored a countywide level of service. He said he would favor polling the voters on what amount they would be willing to pay for this level of service. If this required a change in the charter, Commissioner Aaronson said he would support that as well. He, too, requested the cost projections from Chief Brice. Commissioner Aaronson also said he had brought up the addressing conventions seven years ago, only to see the matter dropped. He said he wanted more consistency and coherence in the posting of addresses.

Mr. Sims said the addressing issue is a priority with his department, which was going back to existing buildings and applying the standard arrived at by the board three or four years ago. Commissioner Aaronson wanted to know if an ordinance mandating numbers on every building could be passed in the unincorporated areas. Chief Deputy County Attorney Gordon P. Selfridge said this could be done in the unincorporated areas but the cities could argue with such a requirement. Mr. Sims added that the Geographic Information System offices were developing an inexpensive addressing software that would be given to the municipalities.

Commissioner McCarty asked whether roads, especially collectors and arterial roads, could be annexed. Assistant County Attorney Banks answered that, generally, roads were included in the annexation but, typically only after annexation of entire streets was complete. In the case of state roads, Mr. Banks added, state consent was needed, and cities would usually not annex without that consent. There are roads, usually between municipalities, that have not been annexed, he concluded. The question is, which municipality should annex the road. Commissioner McCarty said she did not want to see a referendum on the subject of levels of service turn into an unfunded mandate. She suggested that the county should refuse to respond in those cases where the cities themselves will not assume responsibility for basic services within their own boundaries. The board should let these cities know the county will not assist, she insisted.

Commissioner Newell said he wanted to see a countywide dispatch system, which would override political boundaries by making it the case that the closest station would respond to emergencies.

Commissioner Roberts said she did not want to create an unfunded

mandate. She suggested consulting the taxpayers first to see whether they wish a countywide minimum level of service.

#### WORKSHOP ITEMS - CONTINUED

#### 3. 9:30 A.M. - CONTINUED

Commissioner Marcus recommended creating a countywide taxing district, which would relieve the budgeting problems of cities at service levels II and III but that required higher levels of service that they were unable to pay for. She also said that median signage would clarify addressing questions.

Commissioner Masilotti asked if allowing Fire-Rescue to bill based on cost would solve the problem. Chief Brice said yes, and that giving his department the flexibility to negotiate cost would help. Commissioner Aaronson pointed out that the county had already done this with Jupiter but suggested that it would not work with Riviera Beach or Briny Breezes because of property values.

#### PUBLIC COMMENT:

Samuel J. Ferreri, speaking on behalf of the League of Cities Ad Hoc Committee on Annexation, summarized the work of the committee. He said annexation should include the good with the bad in order to bring an end to the practice of cherry picking. He also said the ad hoc committee was very supportive of the board's effort on the annexation question and was willing to work cooperatively on the issue.

Commissioner Newell asked whether he thought cities would support a countywide dispatch system. Mr. Ferreri said he could not speak for other municipalities but Greenacres would find this the most economical solution. Commissioner Newell also asked whether cities have ever considered hiring, with the county's participation, a facilitator to address the annexation question. Mr. Ferreri said this would probably be a fruitful approach. He added that the league's charter provides for this.

Commenting on the bill on enclaves being drafted in Tallahassee, Commissioner Masilotti asked whether size would become an element in the revised definition of enclave. Mr. Ferreri said he believed size would become a consideration. The commissioner also asked Mr. Ferreri to bring the cherry picking question back to the league in order to develop a standard level of improvement that would induce a municipality to annex blighted areas.

Armand Nault of the Professional Firefighters and Paramedics of Palm Beach County said his group saw municipal boundaries as the main obstacle to service and encouraged the board to remove these to the extent possible. A countywide minimum level of service would promote the policy of allowing the closest unit to respond, he argued.

Commissioner Newell called for the Intergovernmental Coordinating Council to work toward resolving the addressing question. He asked Jamie Titcomb, executive director of the League of Cities, and County Administrator Weisman to organize a meeting to resolve the issues under discussion. Commissioner Newell also cautioned that unincorporated areas will take exception to the arrangements between cities and the county based on negotiated costs, claiming the cities get a more favorable deal. He then asked Chief Brice whether a countywide dispatch system would reduce response times. Chief Brice said it would, especially if countywide dispatch were

combined with a minimum level of service.

**WORKSHOP ITEMS - CONTINUED**

**3. 9:30 A.M. - CONTINUED**

Commissioner McCarty asked whether countywide dispatching might in fact lengthen response times in cities such as Boca Raton, which have a category I level of service. Chief Brice said dispatching could be designed to achieve high levels of efficiency that would not necessarily retard response times anywhere in the county.

Chief Brice then summarized the direction given by the board:

- Enlist the help of the Intergovernmental Coordinating Council on the issue of addressing.
- Study the need for a county ordinance on addressing standards.
- Identify the roads that should be annexed in order to facilitate uniform and coordinated dispatch.
- Research a funding method to support a countywide communications system.
- Negotiate, when it is in the county's best interests to do so, on the basis of cost plus overhead while continuing to bill on the basis of millage when that will provide adequate reimbursement.
- Explore the implications and costs of a charter change that would establish a countywide minimum level of service, including a taxing base to fund this change.

Commissioner Masilotti called for including the costs of ambulance dispatch in this item.

- Continue the effort to reduce response time.

Chief Brice then asked the board when it wished to hear a report on the above items. Commissioner Newell called for a written report first, then a workshop if one seemed necessary. Commissioner Roberts then suggested a workshop in August or September.

**RECESS**

**At 11:55 a.m., the chair declared a recess.**

**RECONVENE**

**At 1:55 p.m., the board reconvened with Commissioners Aaronson, McCarty, Masilotti, Newell, and Roberts present.**

**WORKSHOP ITEMS - CONTINUED**

**3. 9:30 A.M. - CONTINUED**

Library Director Jerry W. Brownlee summarized the impact of annexation on his department as follows:

Annexation is not a problem for the Library Department when the

municipality is in and remains in the Library Taxing District (LTD). Annexation becomes a problem when the municipality is not in the LTD, which can result in a loss of revenue, cause infringement on the service area of an existing facility, and make planning for future facilities difficult.

**WORKSHOP ITEMS - CONTINUED**

**3. 9:30 A.M. - CONTINUED**

Commissioner Aaronson recommended situating libraries in the public schools, which he said he had already suggested some six or so years earlier. Commissioner Roberts pointed out that the School Board had rejected that idea for reasons of security and because of the need to be responsible for students after school hours. Mr. Brownlee agreed to raise the possibility with the School Board once again.

Commissioner Masilotti asked if long-term funding obligations could be assigned to specific geographic areas and the costs of those obligations recovered from residents as they moved into them. Mr. Brownlee replied that he saw no logical obstacle to such a plan but would have to consult with the county attorney's office to determine whether there might be a legal obstacle. Commissioner Masilotti then suggested that the so-called smart schools measure might be utilized to the county's financial advantage by drawing on state funds for the building of schools that house libraries. Mr. Brownlee replied that he would need to ensure that any such arrangement would be to the long-term advantage of the Library.

In a few months, which he said he required to gather the figures on reciprocal use and to sound out the School Board on shared facilities, Mr. Brownlee proposed to return with a report. He suggested that, by then, developments on the fire-rescue issues that also applied to the Library might have occurred.

**4. 2:00 P.M. - ROAD PROGRAM OVERSIGHT AND ADVISORY COUNCIL PRESENTATION. DISCUSSED WITH DIRECTION 3-27-2001**

Commissioner Newell directed County Administrator Weisman to prepare a report on the status of the Jog Road/Roebuck Road to 45th Street project, especially the reason for its not being completed on schedule.

(CLERK'S NOTE: Commissioner Roberts left the meeting.)

The Independent Five-Year Road Program Oversight and Advisory Council presented the board with three options:

- Sunset the council and accept the recommendation of the Traffic Performance Standards Committee for its replacement, if any.
- Do not sunset the council and expect that it will continue its work much as it has in recent years, addressing one or more issues above the basic reporting requirements.
- Do not sunset this council at this time, pending the eventual recommendations of the new Traffic Performance Standards Committee, and expect that for the next report(s), that this council will meet only as necessary to fulfill basic required reporting requirements.

**MOTION to receive and file the report and not to sunset the council,**

pending the recommendations of the Traffic Performance Standards Committee. Motion by Commissioner Aaronson, seconded by Commissioner McCarty, and carried 4-0. Commissioners Greene, Marcus, and Roberts absent.

**2.C. UNSCHEDULED ITEMS - CONTINUED (See also page 3.)**

**2.C.2.**

PROCLAMATION OF THE BOARD OF COUNTY COMMISSIONERS PROCLAIMING APRIL 2, 2001, AS WALTER TURKEN TRAINING FOR ADOPTION PROGRAM DAY. APPROVED 3-37-2001

(CLERK'S NOTE: The proclamation was presented for approval by Commissioner Newell on behalf of Commissioner Roberts.)

**MOTION to approve the proclamation. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 4-0. Commissioners Greene, Marcus, and Roberts absent.**

No backup submitted.

**2.C.3.**

APPOINTMENT OF GENE SCHRINER AS WESTERN AREAS REPRESENTATIVE TO THE TRAFFIC PERFORMANCE STANDARDS COMMITTEE. APPROVED 3-27-2001

**MOTION to approve the appointment. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 4-0. Commissioners Greene, Marcus, and Roberts absent.**

No backup submitted.

**6. ADJOURNMENT**

**The chair declared the meeting adjourned at 3:08 p.m.**

ATTESTED:

APPROVED:

Clerk

Chair