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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

44 City's consent and inclusion in the County's Fire/Rescue MSTU through December 31,
45 2020, and further provided that said consent and inclusion shall be deemed to continue
46 through 7:30 a.m. on October 1, 2021, to the extent necessary to enable the County to
47 provide within the City fire-rescue and related services funded by tax year 2020, including
48 but not limited to the enforcement of applicable laws and regulations; and
49

50 **WHEREAS**, the City Commission of the City of Lake Worth Beach hereby desires
51 to extend, for an additional two (2) year period through December 31, 2022, its consent
52 to the inclusion of all the territory lying within the municipal boundaries of the City into the
53 County's Fire/Rescue MSTU for County fire-rescue and related services within the City,
54 and believes that such inclusion is in the best interest of the health, safety and welfare of
55 the citizens of the City.
56

57 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
58 **CITY OF LAKE WORTH BEACH, FLORIDA, THAT:**
59

60 **Section 1: Intent, Purpose and Consent:** It is the intent, purpose and effect
61 of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes.
62 The City Commission of the City of Lake Worth Beach hereby extends and consents to
63 the inclusion of all territory within the incorporated municipal boundaries of the City, as
64 may be amended from time to time, within the County's Fire/Rescue Municipal Service
65 Taxing Unit (the "Fire/Rescue MSTU"), which was established pursuant to enabling
66 legislation adopted by the Board of County Commissioners of Palm Beach County. The
67 purpose of the enactment of this Ordinance is to extend the City's consent to be included
68 in the County's Fire/Rescue MSTU in order to enable the County to fund and provide fire-
69 rescue and related services within the territorial limits of the City including, but not limited
70 to, the County's enforcement of the Florida Fire Prevention Code and Palm Beach County
71 Local Amendments thereto (collectively "Fire Code") and any other laws and regulations
72 applicable within the Fire/Rescue MSTU.
73

74 **Section 2: Effectiveness and Duration of Consent:** The City's consent to be
75 included in the Fire/Rescue MSTU is hereby extended effective retroactively from
76 December 31, 2020, to be implemented for tax year 2021 in order to fund and provide
77 County fire-rescue and related services within the City as of October 1, 2021, and to
78 provide for the City's continuing inclusion in the Fire/Rescue MSTU without interruption.
79 The City's consent to be included in the County's Fire/Rescue MSTU shall continue
80 retroactively from December 31, 2020, for a term of two (2) years through December 31,
81 2022; provided, however, that the City's consent and inclusion in the County's
82 Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2023,
83 to the extent necessary to enable the County to provide within the City fire-rescue and
84 related services funded by the final tax year including, but not limited to, the County's
85 enforcement of the Fire Code and any other laws and regulations applicable within the

86 Fire/Rescue MSTU.

87

88 **Section 3: Effectiveness of Repeal:** Should the City intend to repeal its
89 consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31,
90 2022, the City shall provide written notice to the County, by March 1st of any given year,
91 of the City's intent to repeal this Ordinance and the consent provided herein effective
92 December 31st of the same year. The City shall adopt an ordinance to repeal this
93 ordinance and the consent provided herein, and shall provide a certified copy of the
94 repealing ordinance to the County and to the Property Appraiser, by said December 31st.
95 The City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December
96 31st; provided, however, that the City's inclusion in the County's Fire/Rescue MSTU shall
97 be deemed to continue through the following October 1st at 7:30 a.m. to the extent
98 necessary to enable the County to provide within the City fire-rescue and related services
99 funded by the final tax year, including, but not limited to, the County's enforcement of the
100 Fire Code and any other laws and regulations applicable within the Fire/Rescue MSTU.

101

102 **Section 4: Ad Valorem Millage Rate Limitation:** The City acknowledges that
103 by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would
104 exceed the ten (10) mill cap for municipal purposes when combined with the Fire/Rescue
105 MSTU's annual ad valorem millage rate.

106

107 **Section 5: Repeal of Conflicting Ordinances:** All other ordinances and parts
108 of ordinances in conflict with any provisions of this ordinance are hereby repealed to the
109 extent of the conflict. Notwithstanding the above, Ordinance No. 2011-14 shall not be
110 deemed repealed by this ordinance and shall expire as provided for therein; provided,
111 however, that Ordinance No. 2011-14 and the term of consent identified therein shall be
112 deemed to be extended to the extent necessary to enable the County to provide within
113 the City fire-rescue and related services funded by the final tax year thereunder.

114

115 **Section 6: Severability:** If any section, paragraph, sentence, clause, phrase,
116 or word of this ordinance is for any reason held by a court of competent jurisdiction to be
117 invalid, unconstitutional, inoperative or void, such holding shall not affect the remainder
118 of this ordinance.

119

120 **Section 7: Effective Date:** This ordinance shall be retroactively effective
121 December 31, 2020, and shall become effective immediately upon passage.

122

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

125

126 Mayor Betty Resch
127 Vice Mayor Herman Robinson
128 Commissioner Sarah Malega

129 Commissioner Christopher McVoy
130 Commissioner Kimberly Stokes

131
132

133 The Mayor thereupon declared this emergency ordinance duly passed on the
134 _____ day of _____, 2021.

135
136

LAKE WORTH BEACH CITY COMMISSION

137
138

By: _____
Betty Resch, Mayor

139
140

ATTEST:

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142

143
144

Melissa Ann Coyne, City Clerk

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