

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: August 22, 2023 Consent Regular
 Workshop Public Hearing

Department: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) adopt a Resolution amending Resolution R89-576, which created the Pollution Recovery Trust Fund (PRTF), to establish procedures for separation, distribution, and responsibility of collecting fees for the PRTF; and

B) approve a Budget Transfer of \$21,588 from the PRTF reserve account in the amount of \$17,271 to the Department of Environmental Resources Management (ERM) PRTF reserves, and \$4,317 to the Florida Department of Health in Palm Beach County (DOH) PRTF reserves.

Summary: On April 4, 1989, the Board of County Commissioners (BCC) adopted Resolution R89-576 establishing the Palm Beach County (PBC) PRTF, a local fund to deposit monies collected by ERM and DOH through various enforcement actions to enhance PBC's environmental resources and pollution control activities. The PRTF is to be kept and maintained in trust by the BCC. The BCC receives and considers recommendations to disburse PRTF funds for projects proposed by the Director of ERM and the Director of DOH. Currently, both Directors must sign off on every PRTF disbursement request, even when the disbursement is for a project under one of the entities. This Resolution will establish procedures for separation, distribution and responsibility of collection of fees for the PRTF to avoid requiring both Departments to sign off on every disbursement.

Funds collected pursuant to consent agreements entered into by the ERM Director, and administrative penalties levied by the Groundwater and Natural Resources Protection Board (GNRPB) (ULDC Article 2, 14 and 15) for violations associated with county codes and ordinances, including Petroleum Storage Systems, Petroleum Contamination Cleanup Criteria, Wellfield Protection, Mining and Excavation, Storm Water Pollution Prevention, Sea Turtle Protection and Sand Preservation, and Vegetation Preservation and Protection will be deposited in ERM specific account within the PRTF, managed by the Director of ERM, or designee; and ERM will recommend disbursements of these funds to the BCC.

Funds collected pursuant to consent agreements entered into by the DOH Director, and penalties levied by the Environmental Control Hearing Board (ECHB) (ULDC Article 2, 14 and 15) for violations due to noncompliance with septic tank, sewage and water, and air pollution program health regulations will be deposited in DOH specific account within the PRTF, managed by the Director of DOH, or designee; and DOH will recommend disbursements of these funds to the BCC.

Moreover, this agenda item will transfer funds from the current remaining PRTF general reserves of \$21,588 to separate PRTF reserve accounts established specifically for ERM and DOH. Historically, ERM has contributed 80% of funds and DOH has contributed 20% of funds into the PRTF. Therefore, of the remaining \$21,588 in reserves, ERM's PRTF reserve account will receive \$17,271 (80%) and DOH's PRTF reserve account will receive \$4,317 (20%). **There is no cost to the County.** Countywide (SS)

Background and Policy Issues: In 1989, when the PRTF was created, ERM was under contract with the State of Florida Department of Environmental Regulation, now Department of Environmental Protection (DEP), for annual inspections of the fuel storage facilities in the County and enforcement of State laws regarding those storage facilities. At that time, State guidelines provided that monies collected within a County could remain in the County and be utilized for environmental restoration and enhancement projects, provided that a trust fund was created and properly managed. The 1989 agenda item presenting the PRTF Resolution noted that the Palm Beach County Health Unit, now DOH, supported creation of the PRTF, and expressed interest in potentially utilizing the PRTF in the future. The PRTF is now a valuable tool allowing ERM and DOH to deposit fines and penalties collected within the County, and expend those monies locally for enhancement of the County's environmental resources and pollution control activities.

Attachments:

1. PRTF Amended Resolution
2. PRTF Resolution R89-576
3. Budget Transfer (1227)

Recommended by: *Michael Skiff* 8/15/23
 Department Director Date

Approved by: *Pa* 8/18/23
 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)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____
 Does this item include the use of federal funds? Yes _____ No X

Budget Account No.:

Fund 1227 Department 380 Unit 3199 Object _____ Program _____
 Fund 1227 Department 480 Unit 3199

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

Pollution Recovery Trust Fund

C. Department Fiscal Review:

_____ *L. Thompson*

III. REVIEW COMMENTS

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

Lara M. ... 8/16/23
 OFMB
ESW
 8-16-23
Ar. S. ... 8/17/23
 Contract Development and Control
 TMB 8/17/23

B. Legal Sufficiency:

_____ *Scott Stone*
 Assistant County Attorney
 for Scott Stone

C. Other Department Review:

_____ *Myrtle ... MD*
 Department Director

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION R89-576, WHICH CREATED A POLLUTION RECOVERY TRUST FUND, BY ESTABLISHING PROCEDURES FOR SEPARATION, DISTRIBUTION AND RESPONSIBILITY OF COLLECTION OF FEES FOR THE POLLUTION RECOVERY TRUST FUND; AND BY PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (Board) adopted Resolution No. R89-576 on April 4, 1989, establishing the Palm Beach County Pollution Recovery Trust Fund (PRTF) to receive monies collected in instances of environmental violations; and

WHEREAS, it has been established that monies from the PRTF shall be disbursed to the Department of Environmental Resources Management (ERM) and the Florida Department of Health in Palm Beach County (DOH) only for enhancement of environmental resources and pollution control activities in Palm Beach County; and

WHEREAS, the Board receives and considers recommendations to fund projects proposed by the Director of ERM and the Director of DOH, and disbursement shall be made only upon the review and approval of the Board; and

WHEREAS, the Board wishes to establish procedures for separation, distribution, and responsibility of collection of fees for the PRTF; and

WHEREAS, funds collected pursuant to consent agreements entered into by the ERM Director or administrative penalties levied by the Groundwater and Natural Resources Protection Board (GNRPB) (ULDC Article 2, 14 and 15) for violations associated with county codes and ordinances, including Petroleum Storage Systems, Petroleum Contamination Cleanup Criteria, Wellfield Protection, Mining and Excavation, Storm Water Pollution Prevention, Sea Turtle Protection and Sand Preservation, and Vegetation Preservation and Protection shall be deposited in the ERM specific account within the PRTF, managed by the Director of ERM, or designee; and ERM shall recommend disbursements of these funds to the Board; and

WHEREAS, funds collected pursuant to consent agreements entered into by the DOH Director or penalties levied by the Environmental Control Hearing Board (ECHB) (ULDC Article 2, 14 and 15) for violations due to noncompliance with septic tank, sewage and water, and air pollution program health regulations shall be deposited in the DOH

specific account within the PRTF, managed by the Director of DOH or designee; and DOH shall recommend disbursements of these funds to the Board; and

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

Section 1: The foregoing recitals are hereby adopted, ratified, and incorporated herein by reference.

Section 2: Resolution R89-576 is hereby amended as follows:

There is hereby established a Palm Beach County Pollution Recovery Trust Fund (PRTF), the monies of which shall be disbursed only for enhancement of Palm Beach County's environmental resources and pollution control activities and not for operations and maintenance.

Funds collected pursuant to consent agreements entered into by the Department of Environmental Resources Management (ERM) Director, and administrative penalties levied by the Groundwater and Natural Resources Protection Board (GNRPB) (ULDC Article 2, 14 and 15) for violations associated with County codes and ordinances, including Petroleum Storage Systems, Petroleum Contamination Cleanup Criteria, Wellfield Protection, Mining and Excavation, Storm Water Pollution Prevention, Sea Turtle Protection and Sand Preservation, and Vegetation Preservation and Protection shall be deposited in the ERM specific account within the PRTF, managed by the Director of ERM, or designee; and ERM shall recommend disbursements of these funds to the Board.

Funds collected pursuant to consent agreements entered into by the Florida Department of Health in Palm Beach County (DOH) Director, and penalties levied by the Environmental Control Hearing Board (ECHB) (ULDC Article 2, 14 and 15) for violations due to noncompliance with septic tank, sewage and water, and air pollution program health regulations shall be deposited in the DOH specific account within the PRTF, managed by the Director of DOH, or designee; and DOH shall recommend disbursements of these funds to the Board.

Said trust fund shall be kept and maintained in trust by the Board of County Commissioners and shall be disbursed in accordance with the following procedures:

- (1) The Board of County Commissioners shall receive and consider the recommendations of the Director of the Department of Environmental

Resources Management pertaining to the proposed disbursement for a project from the ERM specific account within the PRTF, and Director of the Florida Department of Health in Palm Beach County Public Health Unit pertaining to the proposed disbursement for a project from the DOH specific account within the PRTF.

- (2) Disbursement shall be made only upon the approval of a resolution by the Board of County Commissioners authorizing the Clerk of the Board of County Commissioners to disburse funds for a particular project.

Section 3: Effective Date. This Resolution shall become effective upon adoption.

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:

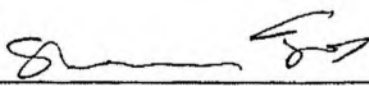
Commissioner Gregg K. Weiss, Mayor	_____
Commissioner Maria Sachs, Vice Mayor	_____
Commissioner Maria G. Marino	_____
Commissioner Michael A. Barnett	_____
Commissioner Marci Woodward	_____
Commissioner Sara Baxter	_____
Commissioner Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2023.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

JOSEPH ABRUZZO
Clerk of the Circuit Court & Comptroller

By: 
for Scott A. Stone
Assistant County Attorney

By: _____
Deputy Clerk Date

ORIGINAL

RESOLUTION NO. K.-89- 576

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING A LOCAL POLLUTION RECOVERY TRUST FUND IN WHICH TO DEPOSIT MONIES COLLECTED THROUGH ENFORCEMENT CASES AND TO BE USED TO ENHANCE PALM BEACH COUNTY'S ENVIRONMENTAL RESOURCES.

WHEREAS, it is desirable that monies collected in instances of environmental violation be deposited into a Palm Beach County Pollution Recovery Trust Fund; and

WHEREAS, it is desirable that monies collected in instances of environmental violation be applied to the enhancement of Palm Beach County's environmental resources and pollution control activities; and

WHEREAS, it is beneficial to establish a method for resolving enforcement matters in a manner required by the Florida Department of Environmental Regulation, with consideration of future delegation from the state.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

There is hereby established a Palm Beach County Pollution Recovery Trust Fund, the monies of which shall be disbursed only for enhancement of Palm Beach County's environmental resources and pollution control activities and not for operations and maintenance. Said trust fund shall be kept and maintained in trust by the Board of County Commissioners and shall be disbursed in accordance with the following procedures:

- (1) The Board of County Commissioners shall receive and consider the recommendations of the Director of the Department of Environmental Resources Management and Director of the Palm Beach County Public Health Unit pertaining to the proposed disbursement for a project.

R89 576

(2) Disbursement shall be made only upon the approval of a resolution by the Board of County Commissioners authorizing the Clerk of the Board of County Commissioners to disburse funds for a particular project.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Roberts, and upon being put to a vote, the vote was as follows:

COMMISSIONER KAREN MARCUS	<u>AYE</u>
COMMISSIONER CAROL ROBERTS	<u>AYE</u>
COMMISSIONER CAROL ELMQUIST	<u>AYE</u>
COMMISSIONER RON HOWARD	<u>AYE</u>
COMMISSIONER CAROLE PHILLIPS	<u>AYE</u>

The Chair thereupon declared the Resolution duly passed and adopted this 4th day of April, 1988.

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNN, CLERK

BY: Jane M. Blair
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

[Signature]
Assistant County Attorney

R89 576

**BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET TRANSFER**

BGEX 380 080423-1674

FUND 1227 Pollution Recovery Trust Fund

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED As of 08/04/23	REMAINING BALANCE
<u>REVENUES/EXPENDITURES</u>								
380-3199-9902	Operating Reserves	0	0	17,271	0	17,271		17,271
480-3199-9902	Operating Reserves	0	0	4,317	0	4,317		4,317
760-3199-9902	Operating Reserves	110,485	172,771	0	21,588	151,183		151,183
Total Receipts and Balances		794,256	631,519	21,588	21,588	631,519		

Signatures & Dates

By Board of County Commissioners

Office of Financial Management & Budget

At Meeting of

INITIATING DEPARTMENT/DIVISION

August 22, 2023

Administration/Budget Department Approval

[Signature] 8/15/23
[Signature] 8/15/23

Deputy Clerk to the

OFMB Department - Posted

Board of County Commissioners