



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 19-0270

PH-3

Meeting Date: 2/12/2019

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE AMENDING SECTION 79.257 OF ARTICLE 7 OF CHAPTER 79, FIRE PREVENTION AND PROTECTION, GENERAL ORDINANCES, MARTIN COUNTY CODE, REGARDING MUNICIPAL SERVICE TAXING UNIT (MSTU) FOR FIRE/RESCUE SERVICES

EXECUTIVE SUMMARY:

The Board of County Commissioners ("Board") is requested to adopt proposed amendments to the boundaries identified for the Countywide Fire/Rescue MSTU to include the incorporated area of the Town of Ocean Breeze.

DEPARTMENT: Fire Rescue

PREPARED BY: **Name:** Elizabeth V. Lenihan
Title: Assistant County Attorney

REQUESTED BY: William Schobel, Fire Chief

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

The Board has been providing fire protection services to the incorporated Town of Ocean Breeze ("Town") through an Interlocal Agreement with the most recent term commencing in Fiscal Year 2011 (FY11) and expiring in FY18. The Interlocal Agreement was amended in FY18 to address inequities caused by redevelopment plans to build out the Town by applying the Countywide Fire/Rescue MSTU millage rate to the estimated taxable value of the incorporated area. This ensured that the residents of the Town are paying the same rate for readiness and response as the citizens in the unincorporated areas of Martin County. In July of 2018, the Town Council of The Town of Ocean Breeze passed Ordinance number 278-2018 requesting and consenting that the Town be included into the boundary definition of the Countywide Fire/Rescue MSTU.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the proposed Ordinance.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

The inclusion of the Town of Ocean Breeze in the Countywide Fire/Rescue MSTU will increase the funds received for Fire/Rescue services provided.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☒ Ordinance ☐ Resolution
☐ Other:

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