**RESOLUTION NO. 2012-08**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, STRONGLY SUPPORTING THE COUNTY'S CONTINUED ALLOCATION OF THE $12.50 FUNDS TO THE MUNICIPALITIES PURSUANT TO COUNTY RESOLUTION NO. R-2002-0192, WHICH SERVES TO ENHANCE THE COUNTY'S INTERGOVERNMENTAL COMMUNICATIONS PLAN; AND STRONGLY SUPPORTING THE COUNTY'S DISBURSEMENT OF THE $12.50 FUNDS TO COVER EXPENSES FOR ALL MUNICIPALITIES THAT HAVE RADIO SYSTEMS THAT ARE FUNCTIONALLY INTEROPERABLE WITH THE COUNTY'S RADIO SYSTEM WITHOUT ARBITRARY DISTINCTIONS BEING MADE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Section 318.21(9), *Florida Statutes*, authorizes Palm Beach County to receive twelve dollars and fifty cents (the "$12.50 Funds") from each moving traffic violation written by municipal law enforcement officers under limited circumstances in order to fund the county's participation in an intergovernmental radio communication program approved by the State Department of Management Services; otherwise those monies must be distributed to the municipality in which the violations occurred; and

WHEREAS, the intent and spirit of Section 318.21(9), *Florida Statutes*, is for the $12.50 Funds to be used to create and maintain interoperability of agencies within a countywide intergovernmental radio communications program which includes all municipalities; and

WHEREAS, on February 5, 2002, the Board of County Commissioners adopted Resolution No. R-2002-0192, which allocated the $12.50 Funds generated by the municipal law enforcement officers to the municipalities in order to encourage the interoperability of municipal communications systems with the countywide public safety communications system and to enhance the Palm Beach County's Intergovernmental Radio Communications Plan; and

WHEREAS, the municipalities in Palm Beach County have been working diligently to build and enhance their own communications systems to become interoperable with that of Palm Beach County; and

WHEREAS, this program has resulted in all municipalities being interoperable with Palm Beach County's system; and

WHEREAS, the Town of Loxahatchee Groves has learned that County Staff intends to recommend that the Board of County Commissioners rescind County Resolution R-2002-0192, terminate all future disbursements of the municipal $12.50 Funds to the municipalities and sweep

all remaining balances currently in the "Municipal Org" to the "County Org" so that those moneys will no longer be available to municipalities for their communications systems even though several municipalities have considerable sums of money in their allocation column and have relied on those funds in constructing extensive communication systems to connect with that of Palm Beach County; and

WHEREAS, the Town of Loxahatchee Groves has also learned that County Staff is refusing to disburse $12.50 Funds to municipalities that have chosen to utilize the Municipal Public Safety Communication Consortium's (the "MPSCC") system to become interoperable with Palm Beach County's system, which include but are not limited to the Town of Jupiter, the City of Palm Beach Gardens and the City of Atlantis, even though the MPSCC's system enables those municipalities to be interoperable with Palm Beach County's radio system; and

WHEREAS, the continuation of this program has been endorsed by the Criminal Justice Commission and the Palm Beach County Association of Chiefs of Police and is proposed to be endorsed by the Law Enforcement Planning Council on August 2, 2012, indicating the recognition by those agencies that the $12.50 Fund allocation is necessary for the maintenance and enhancements of the countywide communications system to provide for the well being of all citizens of Palm Beach County.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

SECTION 1: The Town of Loxahatchee Groves strongly supports the continued allocation of the $12.50 Funds to all municipalities pursuant to Resolution No. 2002-0192. Such continued allocation is essential to maintaining the interoperability of all municipal communications systems with the countywide public safety communications system. Such continued allocation further enhances participation in the Palm Beach County Intergovernmental Communications Plan. Therefore, the Town of Loxahatchee Groves strongly requests that the Board of County Commissioners deny any requests to rescind Resolution No. 2002-0192 and/or to terminate the $12.50 Funds allocation program.

SECTION 2: The Town of Loxahatchee Groves strongly supports the County's approval of requests for reimbursement from the $12.50 Funds made by all municipalities

including those utilizing the MPSCC system to become interoperable with Palm Beach County's system, which include, but are not limited to, the Town of Jupiter, the City of Palm Beach Gardens and the City of Atlantis. All municipal radio systems are functionally interoperable with Palm Beach County's radio system and the Town of Loxahatchee Groves believes that County Staff has rejected certain requests for disbursement based on arbitrary and unsupported distinctions.

SECTION 3: The Town Council of the Town of Loxahatchee Groves, Florida, believes the $12.50 allocation is necessary for the maintenance and enhancements of the countywide communications system to provide for the well being of all citizens of Palm Beach County.

SECTION 4: This Town Council directs the Town of Loxahatchee Groves Municipal Clerk to transmit the executed Resolution to each of the Palm Beach County Commissioners, and to County Administrator Robert Weisman, at Palm Beach County Governmental Center, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401, prior to August 21, 2012, when the Board of County Commissioners will consider this matter.

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SECTION 5: This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 7th day of August, 2012.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Mayor David Browning

Vice Mayor Jim Rockett

Council Member Tom Goltzené

Council Member Ron Jarriel

Council Member Ryan Liang

ATTEST:

TOWN CLERK

(SEAL)

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney