

JOINT WORKSHOP: BOARD OF COUNTY COMMISSIONERS AND PALM BEACH COUNTY LEAGUE OF CITIES - ANNEXATION POLICY SUMMIT

- I. **Call to Order:** September 25, 2002, at 1:16 p.m., in Commission Chambers, City Hall Complex, 10500 North Military Trail, Palm Beach Gardens, Florida.

Board of County Commissioners:

Commissioner Warren H. Newell, Chair
Commissioner Carol A. Roberts, Vice-Chair
Commissioner Burt Aaronson
Commissioner Addie L. Greene
Commissioner Mary McCarty
Commissioner Karen T. Marcus
Commissioner Tony Masilotti
County Administrator Robert Weisman
Recording Clerk Donna Atwood
Condensing Clerk Joan Haverly

Palm Beach County League of Cities:

Councilmember Carmine Priore, Wellington - President
Mayor Pro Tem Bev Smith, Palm Springs - First Vice-President
Councilor Donald G. Daniels, Jupiter - Second Vice-President
City Manager Mo Thornton, Atlantis - Secretary/Treasurer
Mayor Steven Abrams, Boca Raton
Chair Pro Tem Sylvia Lee Blue, Riviera Beach
Councilmember Annie Marie Delgado, Palm Beach Gardens
Vice-Mayor Pro Tem Joe Egly, Lake Worth
City Manager David T. Harden, Delray Beach
Deputy Mayor Susan Haynie, Boca Raton
Councilman Charles O'Meilie, North Palm Beach
Mayor Kenneth Schultz, Hypoluxo
Vice-Mayor Carmela Starace, Royal Palm Beach
Mayor David Stewart, Lantana
Mayor Charles L. Stoddard, Haverhill
Executive Director Jamie Titcomb, PBC League of Cities

Florida League of Cities:

Assistant Director for Public and Legislative Affairs John Wayne Smith

Florida Department of Community Affairs:

Secretary Steven Seibert

Treasure Coast Regional Planning Council:

Planning Director Terry Hess - Moderator

Councilmember Priore called the meeting to order.

II. Conditions and Concerns with Current Annexation Policies

A. Brief Overview of Policy Concerns

Commissioner Newell welcomed the opportunity for the county and municipalities to work together on solving issues of annexation, such as the sometime conflict between county and municipal annexation policies; problems with service delivery, redevelopment, and zoning; and the failure of municipalities to access funding for infrastructure deficiencies.

Legislative Affairs Director Todd Bonlarron briefed the participants on the background to the summit. A year and a half previously, he said, the Palm Beach County Legislative Delegation formed a subcommittee on annexation and held a number of public hearings around the county to solicit input from residents and other concerned parties. Their concerns and questions as well as municipal and county concerns and questions were compiled and made the basis for various meetings. The 2002 Florida Legislature passed growth management legislation requiring municipalities, counties, and special districts to provide annexation law recommendations to the legislature, via the Florida Department of Community Affairs (DCA), by February 1, 2003.

DCA Secretary Seibert acknowledged the complexity of annexation and the legislature's intention to solve the problem with county and municipal help.

B. Policy Considerations

Treasure Coast Regional Planning Council (TCRPC) Planning Director Hess reviewed the policy considerations on the agenda and asked if the participants had additional issues to address.

Commissioner Newell responded that the municipalities' future annexation areas needed to be corrected and updated and that service delivery maps needed to be modified. Mr. Hess observed that there was no statutory requirement for municipalities to designate annexation areas and include them in their comprehensive plans. Palm Beach County Principal Planner Lisa Lowe said that she had requested municipal planners to inform her of any incorrect information on the Draft Future Annexation Areas map.

Commissioner Aaronson advised that the summit's top objective should be the elimination of enclaves and improvement of service delivery.

Ms. Lowe explained the county's annexation review process and credited municipal cooperation as contributing to the county's success rate in identifying problematical impacts prior to annexation adoption.

Commissioner Marcus said that residents opposed to annexation should be involved early in the review process in order for them to fully understand the benefits accruing from annexation.

Ms. Lowe explained the annexation incentive program and its infrastructure funding provisions involving costs shared equally between the county, property owner, and annexing municipality. The program had not been much used, she revealed. Commissioner Newell clarified that the previous year, the BCC had decided that in certain cases the county may increase its funding percentage in order to encourage annexation.

III. Immediate Local Considerations

Councilor Daniels disclosed that Jupiter property owners resist annexation because they fear the town's codes are stricter than the county's and because they fear double taxation. The town undertakes analyses to alleviate those fears, he said. Councilmember Delgado related a similar experience in Palm Beach Gardens.

Mr. Bonlarron said that the Palm Beach County League of Cities (LOC) formed the Ad Hoc Committee on Annexation Policy (ACAP) and coordinated with county staff the identification of policy and procedure considerations, some of which were included in the agenda packet.

Councilmember Priore said that ACAP reviewed Florida Statutes Chapter 171 (Municipal Annexation or Contraction) and recognized a need to expand the definition of *enclave* from enclosure by a single municipality to enclosure by a single municipality or multiple municipalities and to define *finger area* (included in the *compactness* definition). Without such clarification, he stated, there would be no resolution to the annexation problem.

Florida League of Cities (FLC) Assistant Director for Public and Legislative Affairs Smith described how annexation came to be included in the legislature's growth management reform bill and the response of FLC and the Florida Association of Counties (FAC). He commented that municipal and county managers have been working to develop some principles and concepts by October 1 to enable the executive directors of both institutions to take an agreed-upon framework back to their memberships for evaluation.

Commissioner Marcus cautioned participants to keep in mind that very wealthy enclaves are not in need of any services or incentives and can hire their own lobbyists. Councilman O'Meilia suggested that those enclaves might consider self-incorporation since they are a "drag" on county services. Commissioner Newell commented that the enclave problem could be solved by sponsoring an act with the local legislative delegation for the involuntary incorporation of enclaves. Commissioner McCarty agreed.

Commissioner Marcus recommended that the Policy Considerations section of agenda backup include greater specificity as to county and municipal levels of service, such as police and fire, as well as proposals for reconciling intergovernmental differences.

Commissioner Aaronson said that rather than force an enclave into annexation, he would prefer to see municipal representatives meet with their district commissioners about pockets they wished to have annexed and request a "business plan" to work it out.

According to Councilmember Priore, consensus needed to be reached on revising Chapter 171 to reflect municipal and county wishes. Failing that, he advocated supporting Commissioner Newell's legislative recommendation. Commissioner Newell suggested developing a policy to pursue a special act this year together with a revised definition of *enclave*.

Commissioner Marcus urged the participants to agree on how to bring the public into the dialogue. Commissioner Aaronson proposed developing a policy plan and submitting it to the public for their approval. Commissioner Marcus agreed.

III. - Continued

Mr. Smith informed the participants that the Florida City and County Management Association (FCCMA) was taking a very focused approach to the enclave issue, looking at it strictly from the perspective of efficiency. An enclave enclosed by a single municipality should have an incorporation plan in place by 2005. The incorporation of an enclave enclosed by more than one municipality should proceed by 2007. The final decision-making authority is the county commission.

Commissioner Aaronson recommended that Commissioner Newell and Councilmember Priore form a committee of county and municipal representatives to draft a policy document, distribute it to the municipalities in a week to two weeks for their input, and, upon consensus, give it to the legislative delegation. Commissioner Newell offered to have county staff prepare and distribute a very preliminary draft policy. Councilman O'Meilia suggested using the ACAP recommendations as a resource document for the county staff's work. Commissioner Marcus said that levels of service needed to be included. Mr. Hess remarked that the document should include short-term and long-term annexation boundaries, a revised definition of *enclave*, service delivery issues, staggered annexation dates, and whatever else was appropriate.

Commissioner Marcus questioned how the municipalities would resolve the conflicts between themselves on what they would annex. Mr. Smith responded that FCCMA proposed the creation of smaller models of enclaves and taking a service delivery and business standpoint.

Commissioner Newell emphasized the importance of coming to agreement on what areas should be annexed first. He recommended that Countywide Community Revitalization Team (CCRT) areas be given top priority. City Manager Harden observed that those areas are a "drag" on municipal law enforcement and other services.

Councilmember Priore suggested looking at the situation locally without trying to affect the rest of the state and then letting the legislative delegation vote for the local plan. He acknowledged the cooperation of the county and invited the involvement of FLC in developing a long-range plan.

IV. Proposals for Florida Statutory Changes

Principal Planner Lowe distributed a handout on proposed changes to Chapter 171. (A copy was not provided to the clerk.)

Commissioner Aaronson recommended including the identification of land use designation areas.

V. Long-Term Policy Initiatives

A. Long-Term Plan

Mr. Hess said it was his understanding that the county would take the initiative in drafting a very preliminary long-range annexation policy based on the concepts shown under the Long Term Policy Initiatives section of the agenda backup and distribute the draft to the municipalities. He said it would be harder to develop a strategy if, as Commissioner Newell suggested, the policy was delayed until after the municipalities "cleaned up" their annexation areas.

V. - Continued

Mr. Hess reminded the participants of another provision in the growth management legislation that “Local governments in counties with a population greater than 100,000 are required to prepare an inventory of existing or proposed interlocal service-delivery agreements and identify deficits or duplication in service delivery.” These reports had to be submitted to DCA by January 1, 2004, he said.

Councilman O’Meilia recommended the creation of a joint municipal-county committee on long-term policy.

Commissioner Aaronson proposed that the short-term issue of enclaves be addressed first. Councilman O’Meila disagreed, saying that work should begin simultaneously on short-term and long-term issues. Commissioner Marcus agreed with Councilman O’Meilia. Councilmember Priore advocated dealing with both issues on a parallel track, aiming for the enclaves issue to go back through the legislature in 2003 with long-term policies to be provided by 2004.

The participants agreed to meet again within 60 days.

VI. Adjournment

The meeting adjourned at 3:19 p.m.

Attested:

Approved:

Clerk

Chair