

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: January 9, 2007

[X] Consent [] Regular
[] Public Hearing

Department

Submitted By: ADMINISTRATION

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file:

A) Resolution No. 73-06 from the City Commission of the City of Delray Beach, supporting and endorsing the principles of the Municipal Home Rule Power Act; and

B) Resolution No. 868 from the Town Commission of the Town of Highland Beach supporting and endorsing the principles of the Municipal Home Rule Power Act.

Summary: None

Background and Justification: N/A

Attachments:

Original Documents

Recommended By:


Agenda Coordinator


Date

Approved By:

N/A
Assistant County Administrator

Date

RECEIVED DEC 18 2006

CITY OF DELRAY BEACH



CITY CLERK

100 N.W. 1st AVENUE

• DELRAY BEACH, FLORIDA 33444

• 561/243-7000

1993
2001 December 14, 2006

Palm Beach County Administration
Attn: Robert Weisman, County Administrator
301 North Olive Avenue – Suite 1101
West Palm Beach, Florida 33401

Dear Mr. Weisman:

Please find attached **Resolution No. 73-06** supporting and endorsing the principles of the Municipal Home Rule Power Act. The City Commission passed and adopted Resolution No. 73-06 at the Regular Commission Meeting of December 5, 2006.

If we can be of any assistance to you, please call the office 8:00 a.m. - 5:00 p.m. Monday through Friday at (561) 243-7050.

Sincerely,

A handwritten signature in cursive script that reads "Chevelle D. Nubin".

Chevelle D. Nubin, CMC
City Clerk

CITY OF DELRAY BEACH



CITY CLERK

100 N.W. 1st AVENUE

• DELRAY BEACH, FLORIDA 33444

• 561/243-7000

CERTIFICATION

I, **CHEVELLE D. NUBIN**, City Clerk of the City of Delray Beach, do hereby certify that the attached document is a true and correct copy of **Resolution No. 73-06**, as the same was passed and adopted by the Delray Beach City Commission in regular session on the 5th day of December, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 12th day of December, 2006.

Chevelle Nubin, CMC

City Clerk

City of Delray Beach, Florida

(SEAL)

RESOLUTION NO. 73-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, SUPPORTING AND ENDORSING THE PRINCIPLES OF HOME RULE AND ADOPTING THE POLICIES SET FORTH BELOW TO SUPPORT THE PREMISE THAT THE CITY SHOULD HAVE THE AUTHORITY TO GOVERN WITHIN ITS JURISDICTION; FURTHER PROVIDING THAT SUCH AUTHORITY SHOULD NOT BE ERODED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 166, *Florida Statutes*, entitled "Municipalities" and known as the "Municipal Home Rule Powers Act" provides a broad grant of authority to all municipalities to enable them to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 2(b), Article VIII, State Constitution, protects the rights of municipal government by means of language which reads as follows:

Municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes, except as otherwise provided by law; and

WHEREAS, the legislature recognizes that, pursuant to the grant of power set forth in Section 2(b), Article VIII, State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act except for those subjects specifically listed at Section 166.021(3)(a)-(d); and

WHEREAS, municipalities are voluntary forms of government and would not exist if communities had not organized and held special elections in order to create the local form of government; and

WHEREAS, Residents in a community decide to incorporate in order to govern themselves and to gain a greater degree of control over issues that impact their quality of life and property interests directly; and

WHEREAS, municipalities represent the form of government which is closest to the people and therefore many people expressly choose to live within municipalities in order that their ideas may be heard on a more personal basis; and

WHEREAS, a similar resolution was adopted by the Palm Beach County League of Cities, Inc. on November 22, 2006; and

WHEREAS, the City of Delray Beach desires to preserve this unique responsive form of government, wishes to support the Palm Beach County League of Cities, Inc. and believes it to be in the best interests of its citizens to adopt this Resolution formally stating its position.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1: The City of Delray Beach believes that when issues are in conflict between Palm Beach County and a municipality or several municipalities, such conflict should be resolved by the following:

- A. Approval by the governing body of the municipality or municipalities affected;
- or
- B. Approval by a majority of the electors within the County and a majority of the electors within the affected municipality or municipalities.


Section 2: The City of Delray Beach hereby adopts the above stated policy.


Section 3: The City Clerk is hereby directed to forward this resolution to the Board of County Commissioners, the Palm Beach County Administrator, the Palm Beach County League of Cities, Inc. and the State Senators and Representatives elected from the jurisdiction of the City of Delray Beach.

Section 4: This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 5th day of December, 2006.

ATTEST:


MAYOR


CITY CLERK

RECEIVED DEC 18 2006

RESOLUTION NO. 868

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, SUPPORTING AND ENDORSING THE PRINCIPLES OF HOME RULE AND ADOPTING THE POLICIES SET FORTH BELOW TO SUPPORT THE PREMISE THAT THE TOWN SHOULD HAVE THE AUTHORITY TO GOVERN WITHIN ITS JURISDICTION; FURTHER PROVIDING THAT SUCH AUTHORITY SHOULD NOT BE ERODED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 166, *Florida Statutes*, entitled "Municipalities" and known as the "Municipal Home Rule Powers Act" provides a broad grant of authority to all municipalities to enable them to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 2(b), Article VIII, State Constitution, protects the rights of municipal government by means of language which reads as follows:

Municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes, except as otherwise provided by law; and

WHEREAS, the legislature recognizes that, pursuant to the grant of power set forth in Section 2(b), Article VIII, State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act except for those subjects specifically listed at Section 166.021(3)(a)-(d); and

WHEREAS, municipalities are voluntary forms of government and would not exist if communities had not organized and held special elections in order to create the local form of government; and

WHEREAS, Residents in a community decide to incorporate in order to govern themselves and to gain a greater degree of control over issues that impact their quality of life and property interests directly; and

WHEREAS, municipalities represent the form of government which is closest to the people and therefore many people expressly choose to live within municipalities in order that their ideas may be heard on a more personal basis; and

WHEREAS, a similar resolution was adopted by the Palm Beach County League of Cities, Inc. on November 22, 2006; and

WHEREAS, the Town of Highland Beach desires to preserve this unique responsive form of government, wishes to support the Palm Beach County League of Cities, Inc. and believes it to be in the best interests of its citizens to adopt this Resolution formally stating its position.

NOW, THEREFORE, BE IT RESOLVED by the TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH as follows:

Section 1: The Town of Highland Beach believes that when issues are in conflict between Palm Beach County and a municipality or several municipalities, such conflict should be resolved by the following:

- A. Approval by the governing body of the municipality or municipalities affected;
or
- B. Approval by a majority of the electors within the County and a majority of the electors within the affected municipality or municipalities.

Section 2: The above stated policy is hereby adopted by the Town Commission of the Town of Highland Beach.

Section 3: This Resolution shall be forwarded to the Board of County Commissioners, the Palm Beach County Administrator, the Palm Beach County League of Cities, Inc. and the State Senators and Representatives elected from the jurisdiction of the Town of Highland Beach.

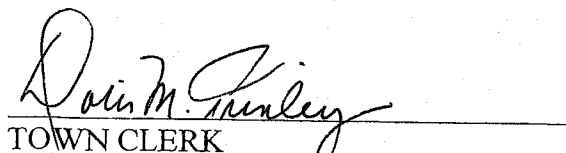
Section 4: This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 12th day of December, 2006.

TOWN OF HIGHLAND BEACH


MAYOR
(SEAL)

ATTEST:


TOWN CLERK