

Agenda Item No.: 3A-1

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: February 27, 2007

Consent Regular
 Public Hearing

Department:

Submitted By: ADMINISTRATION

I. EXECUTIVE BRIEF

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

- A) Resolution No. R07-013 by the City Commission of the City of Boynton Beach, supporting and endorsing the principals of the Municipal Home Rule Powers Act;
- B) Resolution No. 2007-01 by the City Council of the City of Greenacres, supporting and endorsing the principals of the Municipal Home Rule Powers Act;
- C) Resolution No. 006-04 by the Town Commission of the Town of Gulf Stream, supporting and endorsing the principals of the Municipal Home Rule Powers Act; and
- D) Resolution No. 2007-02 by the Village Council of the Village of North Palm Beach, supporting and endorsing the principals of the Municipal Home Rule Powers Act;

Summary: N/A

Background and Justification: N/A

Attachments: Original Documents

Recommended By: _____

Agenda Coordinator

Patty Andelle

Date

2/6/07

Approved By: _____

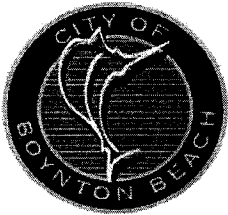
Assistant County Administrator

N/A

Date

The City of Boynton Beach

RECEIVED JAN 22 2007



City Clerk's Office
100 E BOYNTON BEACH BLVD
BOYNTON BEACH FL 33435
(561) 742-6060
FAX: (561) 742-6090
e-mail: prainitoj@ci.boynton-beach.fl.us
www.boynton-beach.org

January 18, 2007

MR ROBERT WEISMAN
COUNTY ADMINISTRATOR
301 N OLIVE AVENUE
WEST PALM BEACH FL 33401

Re: **Resolution No. R07-013 – Endorsing the Principles of Home Rule**

Dear Mr. Weisman:

Transmitted herewith is a copy of Resolution No. R07-013 that was adopted by the City Commission of the City of Boynton Beach at their regular meeting on January 16, 2007. This Resolution endorses the principles of home rule and adopts the policies to support the premise that the City should have the authority to govern within its jurisdiction.

If I can be of any additional service, please do not hesitate to contact me.

Sincerely,

CITY OF BOYNTON BEACH

Handwritten signature of Janet M. Prainito in cursive script.

Janet M. Prainito, CMC
City Clerk

Attachment

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RESOLUTION NO. R07-013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOYNTON 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

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

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

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

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

12 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
13 **CITY OF BOYNTON BEACH AS FOLLOWS:**

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

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

21 **Section 2:** The above stated policy is hereby adopted by the City Commission of the
22 City of Boynton Beach.



City of Greenacres

RECEIVED JAN 22 2007

5985 Tenth Avenue North
Greenacres, FL 33463-2399
(561) 642-2017
(561) 642-2004 Fax
Email: grpadm@ci.greenacres.fl.us

Samuel J. Ferreri
Mayor

Wadie Atallah
City Manager

January 18, 2007

Dear PBC Commissioners:

The City Council of the City of Greenacres unanimously adopted Resolution No. 2007-01 at their meeting of January 16, 2007, which provides for the following endorsement:

Resolution No. 2007-01

A Resolution adopted by the City Council of the City of Greenacres, Florida 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; and providing for an effective date.

If you have any questions, or would like to discuss this resolution, please contact the Mayor or Council at 561-642-2006.

Sincerely,

Sondra K. Hill, MMC
City Clerk

Attachment

cc: Mayor and City Council
Wadie Atallah, City Manager
✓ Robert Weisman, Administrator

Richard C. Radcliffe
Councilman
District I

Peter A. Noble
Councilman
District II

Charles E. Shaw
Councilman
District III

Doris A. Fouts
Councilwoman
District IV

Norman W. Rose
Councilman
District V

RESOLUTION NO. 2007-01

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, 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; AND PROVIDING FOR AN EFFECTIVE DATE.

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 166.01 (3) (a) – (d); and

Section 2. The above stated policy is hereby adopted by the City Council of the City of Greenacres.

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 City of Greenacres.

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

RESOLUTION NO. 006-04

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF GULF STREAM, 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 Gulf Stream 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 interest of its citizens to adopt this Resolution formally stating its position.

NOW, THEREFORE BE IT RESOLVED by the TOWN COMMISSION OF THE TOWN OF GULF STREAM as follows:

Section 1: The Town of Gulf Stream 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:

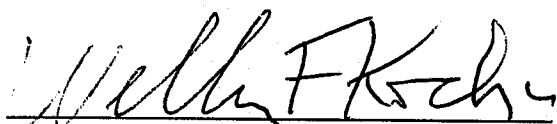
- A. Approval by the governing body of the municipality or municipalities affected; or
- B. Approval of the majority of the electors within the County and a majority of the electors within the affected municipality or municipalities.

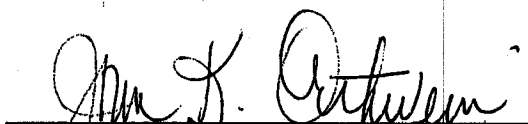
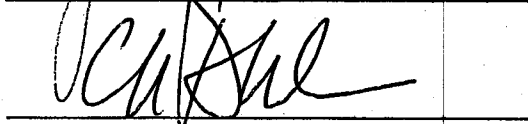
Section 2: The above stated policy is hereby adopted by the Town Commission of the Town of Gulf Stream.

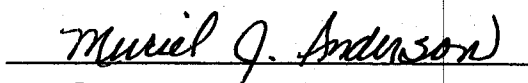
Section 3: This Resolution shall be forwarded to the Board of County Commissioners, the Palm Beach County Administrator, the Palm Beach County League of Cities, Inc. and the State Senators and Representatives elected from the jurisdiction of the Town of Gulf Stream,


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

PASSED AND ADOPTED this 8TH day of DECEMBER, 2006.

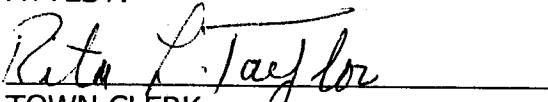

MAYOR

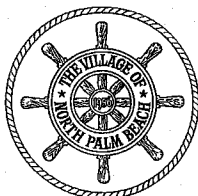



TOWN COMMISSION

ATTEST:


TOWN CLERK

RECEIVED JAN 22 2007



THE VILLAGE OF
North Palm Beach

501 U.S. HIGHWAY 1 • NORTH PALM BEACH, FLORIDA 33408 • 561-841-3355 • FAX 561-881-7469
OFFICE OF THE VILLAGE CLERK

January 18, 2007

Robert Weisman
Palm Beach County Administrator
301 N. Olive Avenue, Suite 1102, P.O. Box 1989
West Palm Beach, FL 33402-1989

RE: Municipal Home Rule Powers Act

Dear Mr. Weisman:

Enclosed is a copy of Resolution 2007-02, pursuant to Section 4, as adopted by the Village of North Palm Beach Council on January 11, 2007, which supports and endorses the principles of Municipal Home Rule.

If you have any questions or concerns, please feel free to contact our office at (561) 841-3355 or you can email me at: cwilcott@village-npb.org.

Very truly yours,

A handwritten signature in cursive script that reads "Christine Wilcott".

Christine Wilcott
Deputy Clerk

Enclosure

RESOLUTION 2007-02

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, SUPPORTING AND ENDORSING THE PRINCIPLES OF HOME RULE AND ADOPTING THE POLICIES SET FORTH BELOW TO SUPPORT THE PREMISE THAT THE VILLAGE 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 Village of North Palm 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 VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, as follows:

Section 1. The foregoing "whereas" clauses are ratified as true and correct and incorporated herein by reference.

Section 2. The Village of North Palm 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.

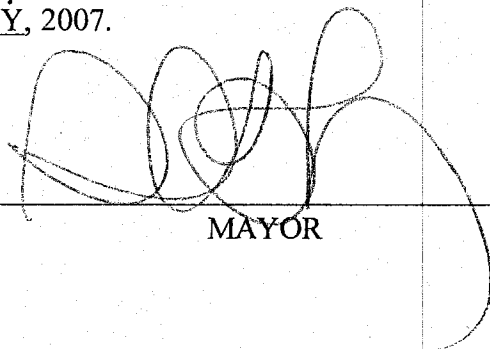
Section 3. The above stated policy is hereby adopted by the Village Council of the Village of North Palm Beach.

Section 4. 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 Village of North Palm Beach.

Section 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 11th day of JANUARY, 2007.

(Village Seal)



MAYOR

ATTEST:

Melissa Teal CMC
VILLAGE CLERK