

Agenda Item No.: 3A-2

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: March 13, 2007

☒ **Consent** ☐ **Regular**
☐ **Public Hearing**

Department:

Submitted By: ADMINISTRATION

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Resolution No. R2007-02 by the Town Commission of the Town of Ocean Ridge, 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: _____

Patty Andile
Agenda Coordinator

2/21/07
Date

Approved By: _____

N/A
Assistant County Administrator

Date

RESOLUTION NO. 2007-02

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, SUPPORTING AND ENDORSING THE PRINCIPLES OF HOME RULE AND ADOPTING THE POLICIES SET FORTH BELOW TO SUPPPORT 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 Ocean Ridge 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 OCEAN RIDGE as follows:

Section 1: The Town of Ocean Ridge 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 Ocean Ridge.

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 Ocean Ridge.

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

PASSED AND ADOPTED this 5 day of Feb, 2008.

ATTEST:

TOWN CLERK

TOWN OF

MAYOR
(SEAL)

Y:\docs\PBC League of Cities\Resolutions\HomeRule-06.doc