

Agenda Item No.: 3A-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 10, 2007

Consent Regular
 Public Hearing

Department:

Submitted By: ADMINISTRATION

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Resolution No. R80-07 by the City Commission of the City of West 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: Patty Andile 3/14/07
Agenda Coordinator Date

Approved By: N/A
Assistant County Administrator Date

RECEIVED MAR 09 2007

RESOLUTION NO. 80-07

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

WHEREAS, residents in a community decide to incorporate and establish municipalities in order to govern themselves and to gain a greater degree of control over issues that directly impact their quality of life and property interests; 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, 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, of the State Constitution recognizes and protects the rights of municipal governments to self-govern by means of language which reads as follows:

Municipalities shall have the government, 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 VII, 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), Florida Statutes; and

WHEREAS, there have been efforts in recent years to usurp the basic fundamental principals of municipal self-determination and local self-government established by home rule principles and to undermine the voluntary decision of municipalities to govern themselves; and

WHEREAS, The City of West Palm Beach desires to preserve its fundamental right to self-determination and unique responsive form of government, wishes to support the Palm Beach County League of Cities, and believes it to be in the best interest of its citizens to adopt this resolution formally stating its position; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

Section 1: The City of West Palm Beach, believes that when certain issues that impact Palm Beach County and the City are in conflict, such conflicts should be resolved in the following manner:

- A. A proposition relating to the issue(s) in conflict must first be presented to and approved by the City Commission;
- B. Following approval by the City Commission, a proposition relating to the issue(s) in conflict shall be placed on the ballot for approval or rejection by the voters of both Palm Beach County and the City;
- C. A decision concerning the proposition shall be contingent upon the approval of the proposition by a majority of the qualified voters of both Palm Beach County and the approval by a majority of the qualified voters of the City;

D. In the event that there is a conflict in the outcome of the elections and an issue is approved by the voters of Palm Beach County but defeated by the voters of the affected municipality, the outcome of the City election shall prevail and control

Section 2: The City Commission hereby approves the above-stated policy.

Section 3: The City Clerk shall forward a copy of this Resolution to the Board of County Commissioners, the Palm Beach County Administrator, the Palm Beach County League of Cities and the State Senators and Representatives elected from the jurisdiction for the City.

Section 4: This Resolution shall become effective in accordance with law.

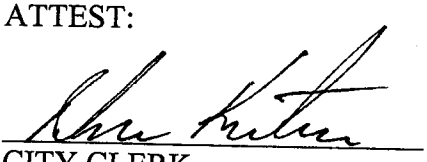
PASSED AND ADOPTED THIS 20th DAY OF February, 2007.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION


PRESIDING OFFICER

ATTEST:


CITY CLERK

CITY ATTORNEY'S OFFICE

Approved as to form
and legal sufficiency

By: SJR

Dated: 2-20-07