

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: 02/23/10 Consent Regular
 Workshop Public Hearing

Department: Planning, Zoning and Building and the County Attorney

Submitted By: Planning Division

Submitted For: Planning Division

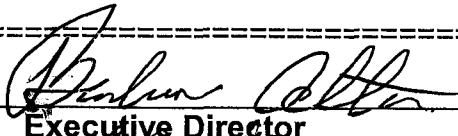
I. EXECUTIVE BRIEF


Motion and Title: **Staff recommends a motion to adopt:** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING A RESPONDING RESOLUTION, AUTHORIZING PALM BEACH COUNTY TO COMMENCE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF BOYNTON BEACH, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Summary: On December 15, 2009, the City of Boynton Beach adopted an Initiating Resolution No. R09-188 pursuant to Chapter 171, Part II, F.S., as a first step in the process of completing an Interlocal Service Boundary Agreement (ISBA) for an area designated outside of the boundaries of the City. The ISBA is a process established in the Florida Statutes that is intended to encourage local government coordination in planning, service delivery, and boundary adjustments due to annexation. The area subject to the negotiations is depicted in Exhibit A of the resolution. This resolution also identifies issues that may be negotiated during the process, including identifying service providers and possible planned improvements. County staff has identified additional issues to be negotiated including the boundaries themselves and the primary goals of the ISBA to address the annexation of enclaves and pockets, including the San Castle neighborhood. This responding resolution does not annex any property at this time, but is the vehicle through which the negotiation process can begin. Planning Staff will work closely with key County agencies and City staff during the months following the adoption of the responding resolution to work to develop an Interlocal Agreement, which may be subsequently presented to the Board at a later date. Districts 3, 4, 7 (RB)

Background and Policy Issues: One of the City's main goals is to utilize the water service agreements, which have a voluntary annexation clause, for a few neighborhoods adjacent to the City's current municipal boundary. The City of Boynton has notified the Coalition of Boynton West Residential Associations (COBWRA) of the proposed ISBA, given that the area identified for negotiations for the proposed ISBA is part of the COBWRA neighborhood plan. The Intergovernmental Coordination Element Objective 1.4 states that Palm Beach County shall adopt policies and implement strategies which support municipal efforts to secure boundary changes that maintain cost-effective service delivery, assist in the elimination of enclaves, pockets and finger-like areas, and ensure consistency between municipal and County land use. The Statutes establish the Interlocal Service Boundary Agreement process as a flexible, joint planning option for Counties and municipalities to cooperatively adjust municipal boundaries while planning for service delivery and land use changes. Pursuant to State Statutes, this item is being presented to the Board within 60 days of receipt of the City's adoption of their initiating resolution. This proposed resolution is consistent with the Intergovernmental Coordination Element of the Comprehensive Plan.

- Attachments:**
1. Palm Beach County Proposed Responding Resolution
 2. Exhibit A - Map of Designated Area
 3. City of Boynton Beach Adopted Initiating Resolution

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Recommended by: _____ 1/27/10
 _____
Executive Director Date

Approved By: _____ 2/10/10
 _____
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>* See below</u>	_____	_____	_____	_____
 # ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Agency _____ Org. _____ Object _____

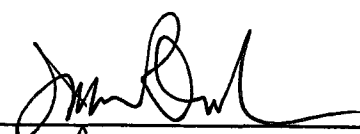
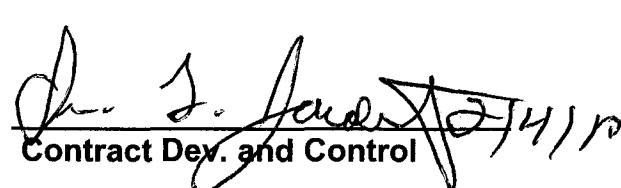
Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact: ^{*}As this is the first step in the process there is no direct fiscal impact at this time. Fiscal impact if any will be evaluated when an Interlocal agreement and annexation is finalized.

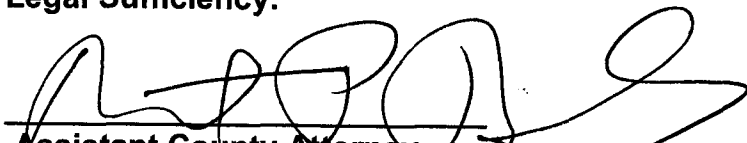
C. Departmental Fiscal Review: Pat DiGeronimo

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 _____ 2/1/10 OFMB 2/1/10 ft.	 _____ Contract Dev. and Control
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B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. R-2010-___

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING A RESPONDING RESOLUTION, AUTHORIZING PALM BEACH COUNTY, FLORIDA TO COMMENCE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF BOYNTON BEACH, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Intergovernmental Coordination Element of the 1989 Comprehensive Plan states that Palm Beach County shall adopt policies and implement strategies which support municipal efforts to secure boundary changes that maintain cost-effective service delivery, assist with the elimination of enclaves, pockets and finger-like areas, and ensure consistency between municipal and County land use; and

WHEREAS, the Intergovernmental Coordination Element Policy of the 1989 Comprehensive Plan requires Palm Beach County to support municipal efforts to secure boundary changes; and

WHEREAS, the Intergovernmental Coordination Element Policy of the 1989 Comprehensive Plan requires the County to work with municipalities to determine areas to be considered for annexation; and

WHEREAS, Chapter 171, Part II, Florida Statutes (2009), as amended, establishes the Interlocal Service Boundary Agreement process as a flexible, joint planning option for Counties and municipalities to cooperatively adjust municipal boundaries while planning for service delivery and land use changes; and

WHEREAS, on December 15, 2009, the City of Boynton Beach adopted an Initiating Resolution pursuant to Chapter 171, Part II, F.S., to commence the negotiation process for an interlocal service boundary agreement for the area to be negotiated (referred to herein as the "Area") described in Exhibit "A" attached hereto; and

WHEREAS, the City of Boynton Beach complied with Chapter 171.203(1)(b), F.S., by sending a notification of the initiating resolution by United States certified mail to each municipality within Palm Beach County; and

WHEREAS, Chapter 171, Part II, Florida Statutes (2009), states that the Responding Resolution be presented to the Board of County Commissioners within sixty (60) days of receipt of the City's adoption of their Initiating Resolution. The County received the certified Initiating Resolution on January 21, 2010; and

WHEREAS, the Board of County Commissioners deems it in the best interest of Palm Beach County to negotiate an Interlocal Service Boundary Agreement with the City of Boynton Beach for the Area to be negotiated, described in Exhibit "A" attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. The Board of County Commissioners hereby agrees to negotiate in good faith with the City of Boynton Beach, in accordance with Chapter 171.203, Florida Statutes, to prepare an Interlocal Agreement to provide for a streamlined annexation and land use amendment process and schedule for properties within the "Area" to be negotiated and to designate the service provider(s) for the services

identified in Section 2 herein.

Section 2. Palm Beach County agrees that negotiations regarding an Interlocal Service Boundary Agreement will address, at a minimum, issues concerning service delivery, fiscal responsibilities, and boundary adjustment as they concern the City's and the County's responsibilities for the funding and delivery of the following services:

1. Public safety
2. Fire, emergency rescue, and medical
3. Water and wastewater
4. Road ownership, construction, and maintenance
5. Conservation, parks, and recreation
6. Stormwater management and drainage

Section 3. Negotiations regarding an Interlocal Service Boundary Agreement will address land use designations within the area to be negotiated, outlined in Exhibit "A".

Section 4. The Town of Lantana, the Village of Hypoluxo, the Town of Ocean Ridge, the Town of Briny Breezes, Village of Golf and the City of Delray Beach are hereby invited to participate in the Interlocal Service Boundary Agreement negotiations. However, per Chapter 171.203(2), Florida Statutes, they must, within sixty (60) days of the effective date of this resolution, adopt a responding resolution in order to participate.

Section 5. The provisions of this resolution shall become effective upon adoption by the Board of County Commissioners.

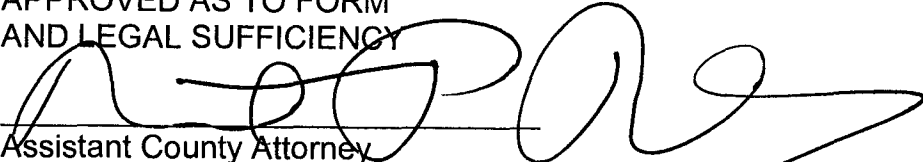
The foregoing Resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	—
Commissioner Karen T. Marcus, Vice Chair	—
Commissioner John F. Koons	—
Commissioner Shelley Vana	—
Commissioner Steven L. Abrams	—
Commissioner Jess R. Santamaria	—
Commissioner Priscilla A. Taylor	—

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the _____ day of _____, 2010.

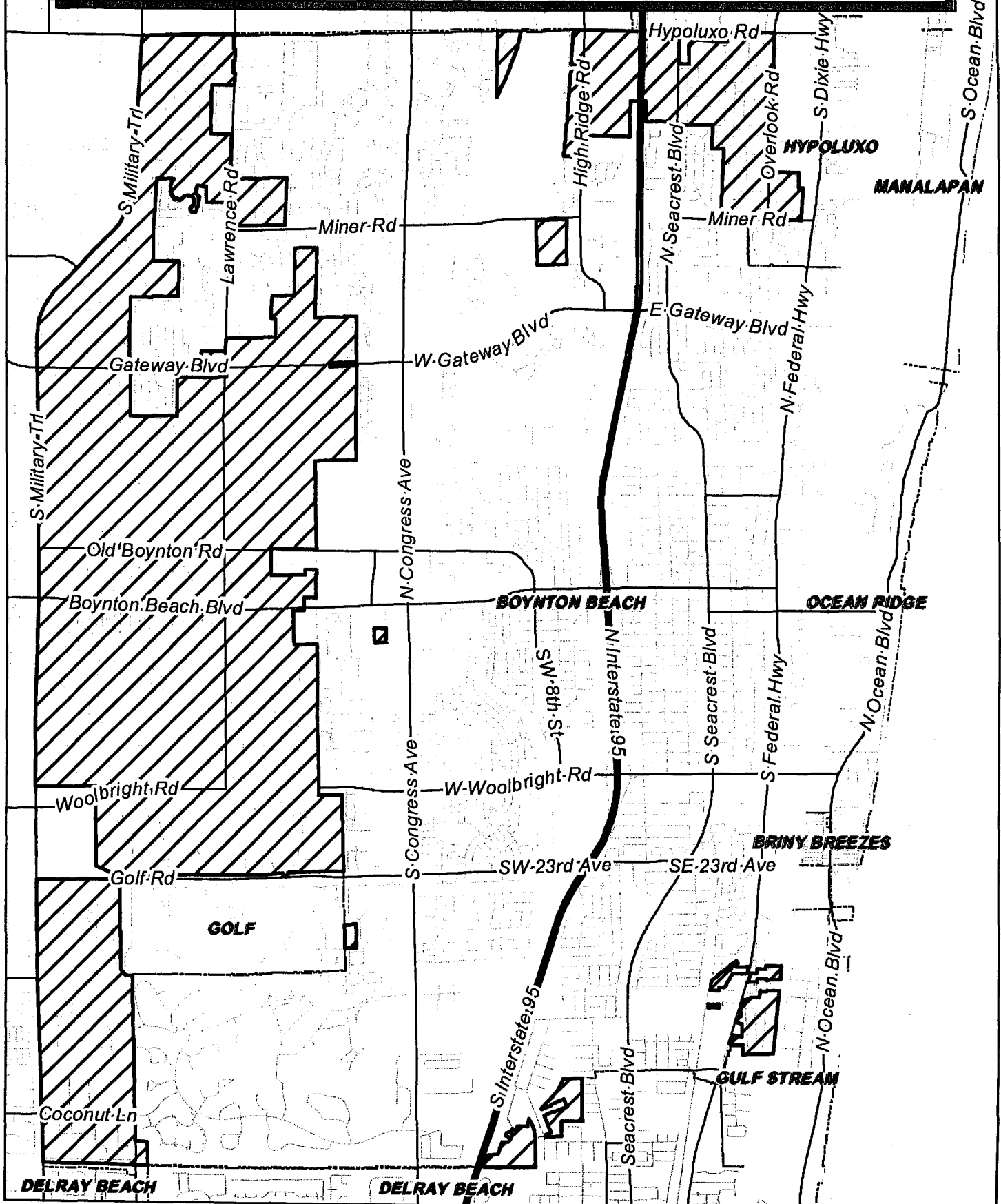
ATTEST:
SHARON R. BOCK, Clerk &
Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Assistant County Attorney

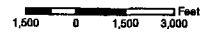
City of Boynton Beach

Exhibit A - Interlocal Service Boundary Agreement (ISBA)



Date: 1/22/10
 Contact: PZSBA
 File: N:\City\Proj\Perms\AFY10
 BBVSBAB-ISBA
 Note: Map is not official, for
 presentations purposes only.

Boynton Beach Proposed ISBA



**Planning, Zoning
 & Building**
 2300 N. Jog Rd
 West Palm Beach, FL 33411
 Phone (561) 233-5300



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RESOLUTION NO. 09-188

A RESOLUTION ADOPTED BY THE CITY COMMISSION OF THE CITY OF BOYNTON BEACH, FLORIDA, AUTHORIZING THE CITY OF BOYNTON BEACH TO INITIATE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF BOYNTON BEACH AND PALM BEACH COUNTY, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; PROVIDING THAT THIS RESOLUTION SHALL ACT AS THE REQUIRED INITIATING RESOLUTION UNDER CHAPTER 171.203, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

16 **WHEREAS**, the City Commission of Boynton Beach deems it to be in the best
17 interest of the City to negotiate an Interlocal Service Boundary Agreement with Palm Beach
18 County for the area described in Exhibit "A" attached hereto and by this reference made a part
19 hereof; and

20 **WHEREAS**, the City of Boynton Beach desires to annex properties within the Palm
21 Beach County Urban Services Area boundary; and

22 **WHEREAS**, the area described in Exhibit "A" is within the future annexation area of
23 the City of Boynton Beach as set forth in the Intergovernmental Coordination Element of the
24 City's Comprehensive Plan; and

25 **WHEREAS**, Chapter 171, Part II, Florida Statutes, establishes a more flexible process
26 of adjusting municipal boundaries through intergovernmental coordination in planning and
27 service delivery; and

28 **WHEREAS**, Chapter 171.203(1)(a), Florida Statutes, provides that other
29 municipalities may be invited to also participate in the Interlocal Service Boundary
30 Agreement negotiations and the City of Boynton Beach is aware that the Town of Lantana,
31 the Village of Hypoluxo and the City of Delray Beach may desire to be included in the
negotiations.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF**
2 **BOYNTON BEACH, FLORIDA, THAT:**

3 **Section 1.** The above referenced whereas clauses are incorporated herein by
4 reference.

5 **Section 2.** The City of Boynton Beach, Florida hereby agrees to negotiate in good
6 faith with Palm Beach County, in accordance with Chapter 171.203, Florida Statutes,
7 regarding a streamlined annexation and land use amendment process for property currently in
8 the unincorporated area of the County as outlined in Exhibit "A", a copy of which is attached
9 hereto and incorporated herein by reference; and further agrees to address during the
10 negotiations the issues outlined in Section 2 and 3 herein;

11 **Section 3.** The City of Boynton Beach agrees that negotiations regarding an
12 Interlocal Service Boundary Agreement will address, at a minimum, issues concerning service
13 delivery, fiscal responsibilities, and boundary adjustment as they concern the City's and the
14 County's responsibilities for the funding and delivery of the following services:

- 15 1. Public safety.
- 16 2. Fire, emergency rescue, and medical.
- 17 3. Water and wastewater.
- 18 4. Road ownership, construction, and maintenance.
- 19 5. Conservation, parks, and recreation.
- 20 6. Stormwater management and drainage.

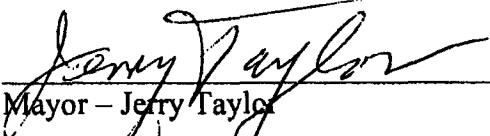
21 **Section 4.** Negotiations regarding an Interlocal Service Boundary Agreement will
22 also address land use designations within the area outlined in Exhibit "A" and the City's
23 vision for this area.

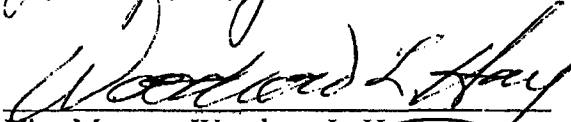
1 **Section 5.** The Town of Lantana, the Village of Hypoluxo, the Town of Ocean
 2 Ridge, the Town of Briny Breezes, Village of Golf and the City of Delray Beach are hereby
 3 invited to participate in the Interlocal Service Boundary Agreement negotiations. However,
 4 per Chapter 171.203(2), Florida Statutes, they must, within sixty (60) days of the effective
 5 date of this resolution, adopt a responding resolution in order to participate.

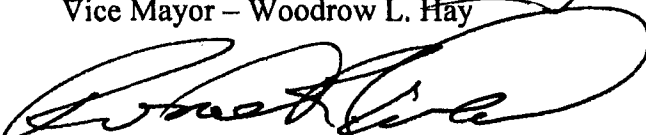
6 **Section 6.** This resolution shall be effective immediately upon its passage and
 7 adoption.

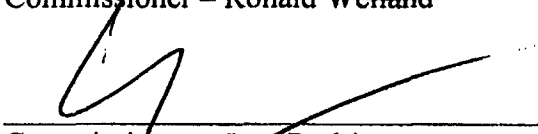
8 **PASSED AND ADOPTED** this 15th day of December, 2009.

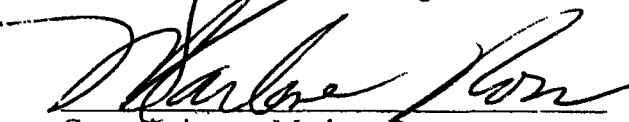
CITY OF BOYNTON BEACH, FLORIDA


 Mayor - Jerry Taylor

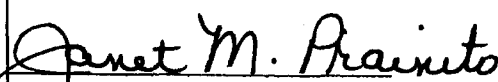

 Vice Mayor - Woodrow L. Hay


 Commissioner - Ronald Weiland


 Commissioner - Jose Rodriguez


 Commissioner - Marlene Ross

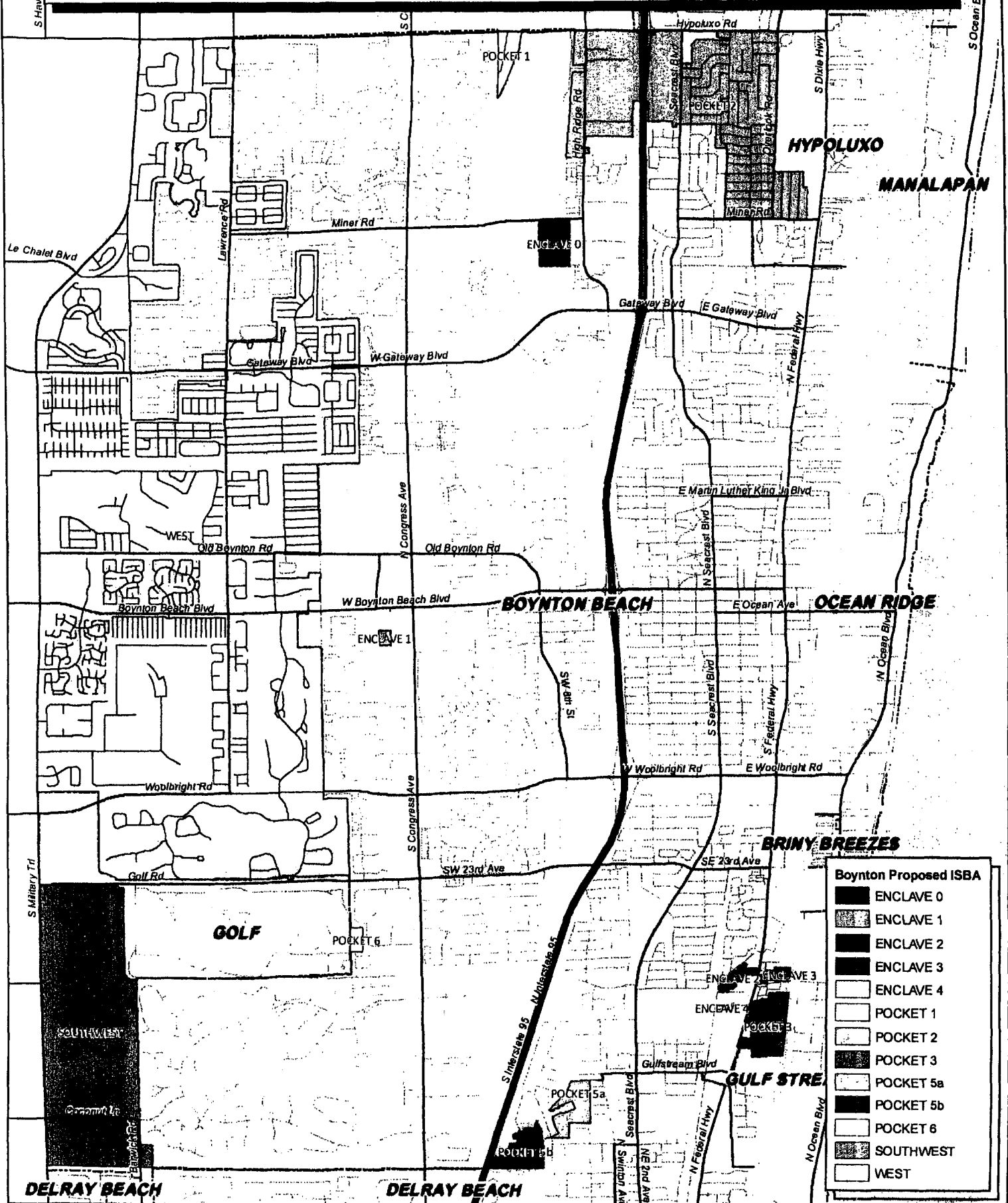
ATTEST:


 Janet M. Prainito, CMC
 City Clerk



Proposed Interlocal Service Boundary Agreement (ISBA)

City of Boynton Beach



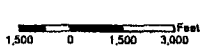
Boynton Proposed ISBA

- ENCLAVE 0
- ENCLAVE 1
- ENCLAVE 2
- ENCLAVE 3
- ENCLAVE 4
- POCKET 1
- POCKET 2
- POCKET 3
- POCKET 5a
- POCKET 5b
- POCKET 6
- SOUTHWEST
- WEST

Date: 09/20/08
 Contact: D'Souza
 File: N:\GIS\Proj\WMA\FY08\GIS\BAG\SBA

Note: Map is not official, for presentational purposes only.

Municipalities — Roads within ISBA
 — Other Roads



Planning, Zoning & Building
 2300 N. J. Rd.
 West Palm Beach, FL 33411
 Phone: (561) 233-5300

