

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: 07/20/10 ☒ **Consent** ☐ **Regular**
 ☐ **Workshop** ☐ **Public Hearing**

Department: Planning, Zoning and Building and the County Attorney

Submitted By: Planning Division

Submitted For: Planning, Zoning and Building and the County Attorney

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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, FLORIDA TO COMMENCE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN PALM BEACH COUNTY AND THE VILLAGE OF PALM SPRINGS, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Summary: On September 27, 2005, the Board of County Commissioners accepted the Village of Palm Springs Annexation Study and directed staff to implement the Study recommendations. On June 10, 2010, the Village of Palm Springs adopted an Initiating Resolution (Attachment 2). This action is pursuant to Chapter 171, Part II, F.S., as a first step in the process of completing an Interlocal Service Boundary Agreement (ISBA). Pursuant to State Statutes, this item is being presented to the Board within 60 days of receipt of the Village's adoption of their initiating resolution. The area subject to the proposed agreement is located east of Military Trl, west of Kirk Rd, north of Canal 11 Rd and south of Canal 8 Rd (Attachment 4). The area is identified as a Countywide Community Revitalization Team (CCRT) Area and is within the Village's future annexation area. This resolution identifies issues which may be negotiated during the agreement process. By adopting this resolution, the negotiation process can begin; however, the County is not obligated to enter into the Interlocal Agreement. The resolution does not annex any property at this time. The Village acknowledged that they are responsible for producing the supporting data and analysis as well as coordinating the negotiation process to develop the agreement which will be presented to the Board at a later date. District 3 (RB)

Background and Policy Issues: Pursuant to a meeting held between County and Village staff on May 26, 2010, as summarized in a letter in Attachment 3, both parties agreed to move forward with an ISBA to resolve annexation issues resulting from proposed annexation of properties along Military Trail that may result in inconsistencies with the Florida Statutes. Upon adoption of the responding resolution by the County, the Village plans to process several voluntary annexations within the proposed ISBA area, whereby parcels contiguous to the current Village boundaries from Kirk Road are annexed first, and arranging annexations to follow along the rights-of-way, proceeding west to Military Trail. By targeting sections in a comprehensive manner, the Village can ensure the annexations to be consistent with the Statutes. This proposed resolution is consistent with the Intergovernmental Coordination Element of the Comprehensive Plan. Objective 1.4 states that Palm Beach County implement strategies which support municipal efforts to secure boundary changes that maintain cost-effective service delivery, and assist in the elimination of enclaves, pockets and finger-like areas. The Statutes establish the ISBA 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.

Attachments: Attachment 1 – Palm Beach County Proposed Responding Resolution
 Attachment 2 – Village of Palm Springs Initiating Resolution
 Attachment 3 – Palm Beach County ISBA Letter
 Attachment 4 – Map of Designated Area

Recommended by:

[Signature]
 Executive Director

6/22/10
 Date

Approved By:

[Signature]
 Deputy County Administrator

7/7/10
 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>*_____</u></u>	<u><u>_____</u></u>	<u><u>_____</u></u>	<u><u>_____</u></u>	<u><u>_____</u></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:** There is no funding or fiscal impact associated with this request. Funding and fiscal impact if any will be evaluated with final agenda to approve is submitted.

C. Departmental Fiscal Review: Lat. S. Agostino

III. REVIEW COMMENTS


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


OFMB
6/24/10
ALJ
6/28/10

Legal Sufficiency:

June J. Lawrence 6/29/10
Contract Dev. and Control

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 VILLAGE OF PALM SPRINGS, 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 in 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 September 27, 2005, the Board of County Commissioners accepted the Village of Palm Springs Annexation Study and directed staff to implement the Study by developing a Joint Planning Agreement with the Village; and

WHEREAS, on June 10, 2010, the Village of Palm Springs adopted an Initiating Resolution pursuant to Chapter 171, Part II, F.S., to commence the negotiation process for an interlocal service boundary agreement for a small portion of the original Annexation Study Area (referred to herein as the "Area") described in Exhibit "A" attached hereto; and

WHEREAS, the Village of Palm Springs complied with Chapter 171.203(1)(b), F.S., by sending a notice 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 Village's adoption of their Initiating Resolution. The County received the certified Initiating Resolution on June 10, 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 Village of Palm Springs for the area 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 Village of Palm Springs, 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 negotiatedn and to designate the service provider(s) for the services identified in Section 2 herein.

Section 2. The Interlocal Agreement shall identify all sub-areas that are lacking sanitary sewer service, water service, paved roads, sidewalks, streetlights, and adequate drainage, and will identify a plan for providing these services that are lacking or in need of improvement. Additionally, the Agreement will identify the service provider(s) within the "Area" for the following services.

- a. water
- b. sanitary sewer
- c. fire and emergency medical services
- d. public safety
- e. stormwater and drainage
- f. road paving and right-of-way maintenance
- g. sidewalk construction
- h. streetlight maintenance
- i. solid waste and trash collection

Section 3. The City of Greenacres and the City of Lake Worth 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 4. The provisions of this resolution shall become effective upon adoption by the Board of County Commissioners.

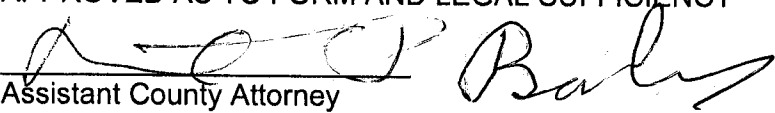
The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

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 and Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Assistant County Attorney

ATTACH 2

RESOLUTION NO. 2010-31

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE VILLAGE OF PALM SPRINGS TO COMMENCE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE VILLAGE AND PALM BEACH COUNTY, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palm Springs, Florida ("Village") deems it in the best interest of the Village to negotiate an Interlocal Service Boundary Agreement with Palm Beach County for the Area (referred to herein as the "Area") described in **Exhibit "A"**: attached hereto and incorporated herein; and

WHEREAS, the Village desires to annex properties within the Palm Beach County Urban Services Area boundary; and

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

WHEREAS, Chapter 171.203(1)(a), Florida Statutes, provides that other municipalities may be invited to also participate in the Interlocal Service Boundary Agreement negotiations and the Village of Palm Springs is aware that the City of Greenacres and the City of Lake Worth may desire to be included in the negotiations; and

WHEREAS, the Village staff has recommended that the Village Council approve the authorization of the commencement of the negotiations of an Interlocal Service Boundary Agreement between the Village and Palm Beach County.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The Village of Palm Springs, Florida hereby agrees to negotiate in good faith with Palm Beach County in accordance with Chapter 171.203 Florida Statutes, regarding a streamlined annexation and land use amendment process, and schedule for the property within the "Area" ; and further agrees to address during the negotiations the issues outlined in Section 2 herein.

Section 2. The Village of Palm Springs, Florida agrees that negotiation regarding an Interlocal Service Boundary Agreement will address, at a minimum, issues concerning

Resolution No. 2010-31

service delivery, fiscal responsibilities, and boundary adjustment as they concern the Village's and County's responsibilities for the funding and delivery of the following services:

1. Water
2. Sanitary Sewer
3. Fire and Emergency Medical
4. Police
5. Storm water and Drainage
6. Road Ownership, Construction, and Maintenance including street lights
7. Sidewalk Construction
8. Conservation, Parks, and Recreation
9. Solid Waste and Trash Collection

Section 3. The City of Greenacres and the City of Lake Worth are hereby invited to participate in the Interlocal Service Boundary Agreement negotiations however, per Chapter 171.203(2), Florida Statutes, they must, within 60 days of the effective date of this resolution, adopt a responding resolution in order to participate.

Section 4. This Resolution shall become effective immediately upon adoption.

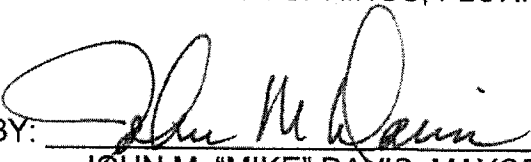
Council Member Smith, offered the foregoing resolution.
Council Member Waller seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JOHN M. DAVIS, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BEV SMITH, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

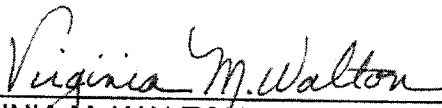
Resolution No. 2010-31

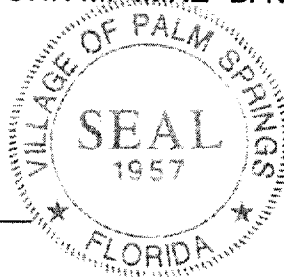
The Mayor thereupon declared this Resolution duly passed and adopted this
10th day of JUNE, 2010.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: 
JOHN M. "MIKE" DAVIS, MAYOR

ATTEST:

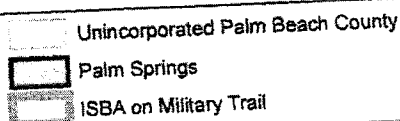
BY: 
VIRGINIA M. WALTON, VILLAGE CLERK



REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: 
GLEN J. TORCIVIA, VILLAGE ATTORNEY

VILLAGE OF PALM SPRINGS
ISBA On Military Trail



DATE: 6/07/2010

Attach 3



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

June 3, 2010

Karl E. Umberger, Village Manager
Village of Palm Springs, Village Hall
226 Cypress Lane
Palm Springs, FL 33461

RE: Commissioner Meeting Regarding Military Trail Annexations

Dear Mr. Umberger:

Thank you for providing the County with the opportunity to review and discuss the annexation issues with the Village of Palm Springs. The purpose of this letter is to identify the outcome of the meeting with Commissioner Vana, held on May 26, 2010, as well as to encourage intergovernmental coordination between the local governments. This will enable us to facilitate annexation strategies which are essential to ensure the efficient provision of urban services to meet the requirements of the Florida Statutes.

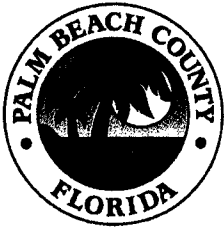
The meeting provided the opportunity for the Village and County staff to find an alternative solution for annexations on Military Trail. The Village staff concluded that they plan to prepare an **initiating resolution** for consideration of adoption, pursuant to Chapter 171.203(1)(a), F.S., to initiate the Interlocal Service Boundary Agreement (ISBA) process.

Within 60 days after the receipt of the Village's initiating resolution, the County will adopt a **responding resolution**. The Village acknowledged that they will be responsible for producing the supporting data and analysis as well as coordinating the negotiation process to develop the agreement. It is anticipated that the completion of the ISBA will take approximately one year to complete.

Upon adoption of the responding resolution by the County, the Village plans to process several voluntary annexations that are within the proposed ISBA area. So as to not exacerbate service delivery problems, the Village plans to process annexations which are consistent with the Florida Statutes and provide the County with advance notification. This coordinated annexation process can remove the confusion for emergency service providers and avoid duplication of services.

County staff recommends a logical annexation strategy to avoid creating enclaves, pockets, finger areas, or areas which are not reasonably compact. The annexations should follow a phasing process, whereby the parcels contiguous and closest to the current Village boundaries off of Kirk Road are annexed first, and arranging annexations to follow along the rights-of-way in a linear fashion, proceeding west to Military Trail. By targeting sections in a comprehensive manner, the Village can ensure the annexations will be consistent with the Florida Statutes.

As you know, the Village is located within a geographical area of the County that is designated as an Urban Redevelopment Area (URA). Additionally, the properties



Palm Springs – Military Trail Annexations
June 3, 2010
Page 2

along the Military Trail corridor are within the established Priority Redevelopment Areas (PRAs) that could utilize the Transportation Concurrency Exception Areas as well as other incentives for redevelopment. The County continues to encourage the Village to promote development consistent with the efforts of the URA/PRAs.

Please note the County has a long history of cooperation on annexation and joint planning efforts with the Village:

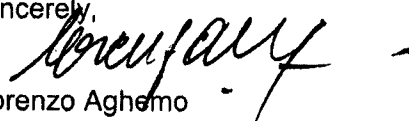
1. Since 1989, the County has reviewed and processed 382 voluntary annexations consisting of 1,018 parcels totaling 945.84 acres.
2. Enclave Interlocal Agreements were processed and adopted, resulting in 13 annexations, consisting of 203 parcels totaling 84.93 acres.
3. An Annexation Study was completed and accepted by the Board of County Commissioners in September 2005. This Study was a significant effort and required participation by all of the departments in the County.
4. Various Annexation Incentive Programs were utilized to provide funding within substandard areas in need of infrastructure needs. In recent years, the County's Annexation Incentive Program has not been funded due to the economic downturn and therefore cannot be used as an annexation tool.
5. In 2008, the Village was the first jurisdiction in the County to successfully complete an Interlocal Service Boundary Agreement (ISBA). This was a successful joint effort with the County which identified various service delivery issues and allowed the Village to successfully annex 46.48 acres.

The County remains consistent in our efforts to cooperatively work towards finding solutions to meet the Village's annexation needs. These efforts are consistent with the objectives and policies of the Palm Beach County Comprehensive Plan, as well as the Village's Intergovernmental Element of their Comprehensive Plan:

Objective D: Coordinate with Palm Beach County regarding the prevention of the formation of enclaves, pockets or other undesirable land configurations adjacent to, or in proximity to, the Palm Springs' corporate limits, prior to annexation of any parcels into the Village.

We look forward to working with the Village and your continued efforts to secure boundary changes. Please contact Patricia Behn, Senior Planner, at 233-5332, for any questions.

Sincerely,

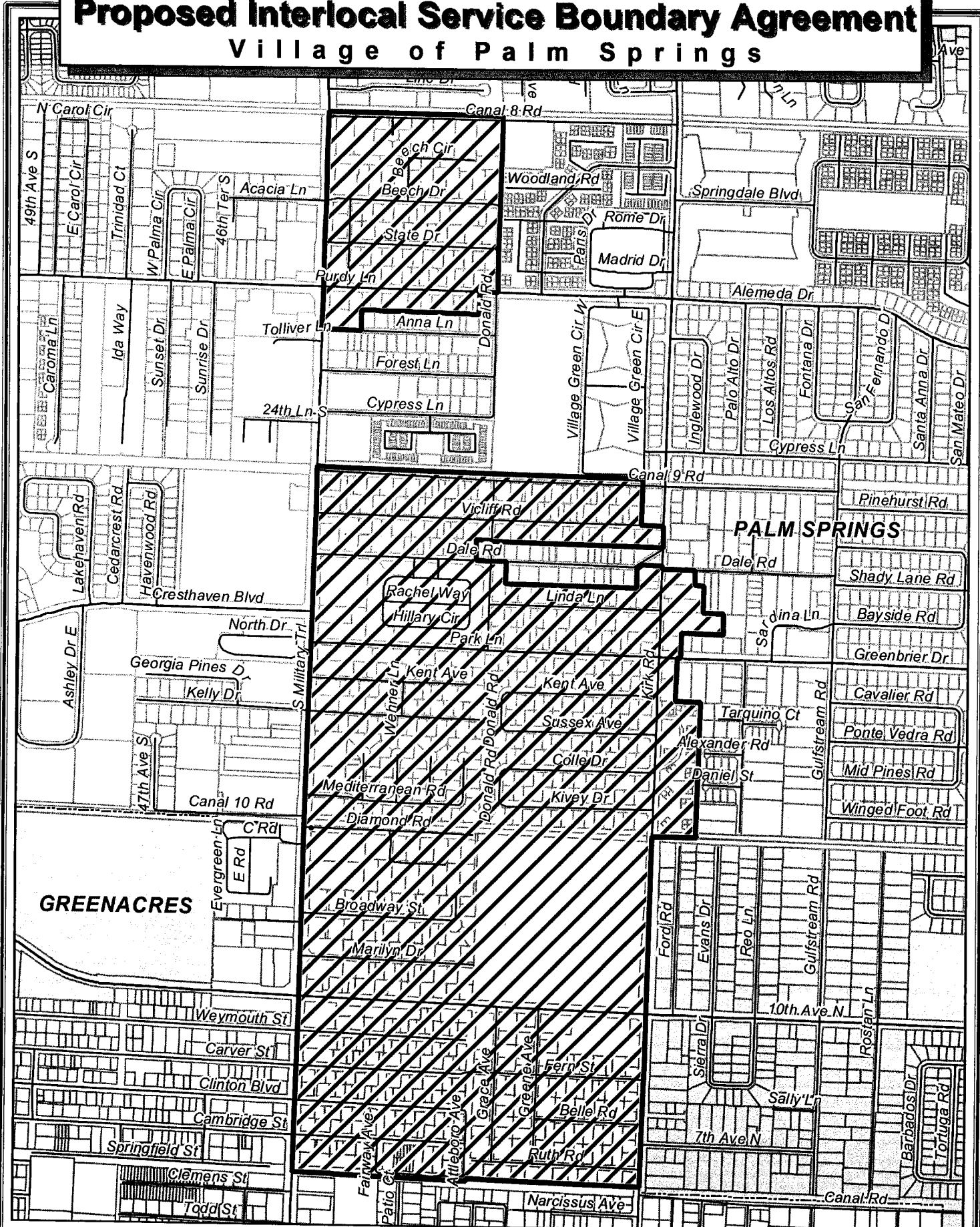

Lorenzo Aghemo
Planning Director

cc: Commissioner Shelley Vana, District 3
Verdenia Baker, Deputy County Administrator
Barbara Alterman, Esq., PZ&B Exec. Director
Bob Banks, AICP, Asst. County Attorney

Bryan Davis, Principal Planner
Bette Lowe, Palm Springs Land Development Dir.
Bruce Thomson, Principal Planner
Patricia Behn, Senior Planner

Proposed Interlocal Service Boundary Agreement

Village of Palm Springs



Date: 08/22/10
 Contact: PREEM
 Filename: N:\GIS\MapArea\10\PSISBA

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



PS_ISBA_Boundary
 Municipalities

500 0 500 Feet



Planning, Zoning
 & Building
 2200 N. J. Rd.
 West Palm Beach, FL 33411
 Phone (561) 233-6300

