

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: 12/17/2013  Consent  Regular  
 Workshop  Public Hearing

Department: Planning, Zoning and Building

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, rescinding responding Resolution R-2008-0456 as required by Chapter 171, Part II, Florida Statutes; and providing an effective date.

**Summary:** On February 4, 2008, the City of Greenacres adopted an initiating Resolution No. 2008-05 pursuant to Chapter 171, Part II, Florida Statutes (F.S.), as a first step in the process of completing an Interlocal Service Boundary Agreement (ISBA) for an area designated within the City's future annexation area. Pursuant to Statutory requirements, the County adopted a responding Resolution R-2008-0456 within 60 days after the receipt of the City's adopted initiating resolution, allowing the local governments to commence the negotiating process for the ISBA. After two years of negotiations, the City of Greenacres adopted Ordinance No. 2010-32 to execute the ISBA. On December 9, 2010, the Board of County Commissioners (BCC) unanimously denied a motion to schedule a public hearing to consider adoption of an ordinance for the ISBA. This action ended negotiations with the City of Greenacres regarding the ISBA. To alleviate concerns of residents within the future annexation area of the City of Greenacres, this Resolution serves to rescind the responding Resolution R-2008-0456. Districts 2 and 3 (RB)

**Background and Justification:** Chapter 163.3171(3), F.S., authorizes municipalities and counties to jointly enter into agreements to exercise the powers granted to the County and municipalities. Additionally, the Municipal Annexation or Contraction Act, Chapter 171, Part I, F.S., and Interlocal Service Boundary Agreement Act, Chapter 171, Part II, F.S., recognizes the use of Interlocal Service Boundary Agreements as a means to coordinate future land use, public facilities and services, in advance of annexation. As such, the County complied with the Statutes in adopting a responding Resolution after receipt of the initiating Resolution from the City of Greenacres. The Resolution identified issues to be negotiated with municipalities related to annexation, municipal service areas, and joint planning. After several ISBA negotiating sessions, the local governments came to a consensus on an Interlocal Service Boundary Agreement; however, the BCC unanimously denied a motion to schedule a public hearing to consider adoption of an ordinance for the ISBA. Therefore, negotiations ended, and the responding Resolution will be rescinded.

- Attachments:** 1. Rescinding Responding Resolution  
2. Original Responding Resolution R-2008-0456

Recommended by: Rebecca Caldwell 11/15/13  
Executive Director Date

Approved By: W. Baker 12/3/13  
Deputy County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Capital Expenditures	---	---	---	---	---
Operating Costs	---	---	---	---	---
External Revenues	---	---	---	---	---
Program Income (County)	---	---	---	---	---
In-Kind Match (County)	---	---	---	---	---
<b>NET FISCAL IMPACT</b> *	<u>-0-</u>	---	---	---	---
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	---	---	---	---	---

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 impact associated with this item

**C. Departmental Fiscal Review:** Lee D'Agostino

**III. REVIEW COMMENTS**

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

<p><u>Susan Neary</u> 11/18/13                  OFMB <i>AK</i>                  11/18 11/13</p>	<p><u>Dr. J. Jacobson</u> 11/27/13                  Contract Dev. and Control                  11-27-13 <i>AK</i></p>
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**B. Legal Sufficiency:**

[Signature]  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director



Exhibit A

**List of Participating Municipalities:**

City of Atlantis

Village of Palm Springs

**RESOLUTION NO. R-2008-0456**

**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 GREENACRES, 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, assisting 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 (2007), 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 February 4, 2008, the City of Greenacres adopted an Initiating Resolution pursuant to Chapter 171, Part II, F.S., to commence the negotiation process for an interlocal service boundary agreement for an area (referred to herein as the "Area") described in Exhibit "A" attached hereto; and

**WHEREAS**, the City of Greenacres 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 (2007), 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; 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 Greenacres 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 City of Greenacres, 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" 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:

- a. Police
- b. Fire rescue and emergency medical
- c. Water and wastewater
- d. Road ownership, construction and maintenance including street lights
- e. Conservation, parks and recreation
- f. Stormwater management and drainage

**Section 3.** Negotiations regarding an Interlocal Service Boundary Agreement will address land use designations within the area outlined in Exhibit "A" and the future vision for this area.

**Section 4.** In accordance with Chapter 171.203, Florida Statutes, the Board of County Commissioners hereby concurs with the City of Greenacres to invite the City of Atlantis, the Village of Palm Springs, and the Town of Lantana to participate in the Interlocal Service Boundary Agreement negotiations, as the municipal borders and/or the future annexation areas are contiguous to the area.

**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 Jeff Koons who moved its adoption. The motion was seconded by Commissioner Marcus and upon being put to a vote, the vote was as follows:

Commissioner Addie L. Greene, Chairperson	- Aye
Commissioner John F. Koons, Vice Chair	- Aye
Commissioner Karen T. Marcus	- Aye
Commissioner Robert J. Kanjian	- Aye
Commissioner Mary McCarty	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Aye

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on

the 11th day of March, 2008.

ATTEST:

SHARON R. BOCK, Clerk & Comptroller

By: Nancy Powell

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]  
Assistant County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on MAR 13 2008

dated at West Palm Beach, FL on 3/11/2008

By: Nancy Powell  
Deputy Clerk

# City of Greenacres

## Exhibit A - Interlocal Service Boundary Agreement (ISBA)

