

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 9/27/2016 [X] 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 (BCC) of Palm Beach County, Florida, rescinding Responding Resolution R-2015-1343 as required by Chapter 171, Part II, Florida Statutes; and providing an effective date.

Summary: On August 11, 2015 the City of Delray Beach adopted an Initiating Resolution No. 43-15 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. As required by Chapter 171, Part II, (F.S.), the County adopted a Responding Resolution R-2015-1343 within 60 days after the receipt of the City's adopted initiating resolution, allowing the local government to commence the negotiating process for the ISBA. The City held two community meetings regarding the potential future annexations, the costs for public infrastructure and future development potential. Upon further consideration based on community concerns, the City of Delray Beach adopted Resolution No. 32-16 on August 16, 2016 to rescind its Initiating Resolution ending negotiations with the County. As a result, County staff prepared a resolution to rescind the responding resolution to formally end the ISBA process. District 4 (RB)

Background and Justification: 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 an Interlocal Service Boundary Agreement (ISBA) as a means to coordinate future land use, and public facilities and services in advance of annexation. After one year of negotiations and several meetings, the City in cooperation with the County decided not to go forward with the ISBA.

- Attachments:**
- 1. County's Rescinding Resolution
 - 2. City's Initiating Resolution No. 43-15
 - 3. County's Responding Resolution R-2015-1343
 - 4. City's Rescinding Resolution No. 32-16

Recommended by: Paul 8/26/16
Department Director Date

Approved By: Corey Clark 9/7/16
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# 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: No fiscal impact associated with Agenda.

C. Departmental Fiscal Review: Pat O'Grady

III. REVIEW COMMENTS

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

Pat O'Grady
8/30/16
OFMB 8/29

Dr. J. Jacobson
9/17/16
Contract Dev. and Control
8/16/16

B. Legal Sufficiency:

[Signature]
9/17/16
Assistant County Attorney

C. Other Department Review:

Department Director

RESOLUTION NO. R-2016-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RESCINDING RESOLUTION R-2015-1343; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 11, 2015, the City of Delray Beach adopted an Initiating Resolution No. 43-15, pursuant to Chapter 171, Part II, F.S., to commence the negotiation process for an Interlocal Service Boundary Agreement; and

WHEREAS, on September 22, 2015, the Board of County Commissioners adopted the responding Resolution R-2015-1343 pursuant to Chapter 171, Part II, F.S., within 60 days after the receipt of an initiating Resolution to commence the negotiation process for an Interlocal Service Boundary Agreement (referred to herein as the "ISBA") with the City of Delray Beach; and

WHEREAS, on August 16, 2016, the City of Delray Beach adopted a resolution No. 32-16 to rescind its Initiating Resolution; and

WHEREAS, the Board of County Commissioners by approving this resolution is formally terminating the ISBA process.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Resolution R-2015-1343 is hereby rescinded. The Clerk is hereby directed to provide a copy of this Resolution by United States Mail to the Chief Administrative Office of every participating municipality. 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 Hal R. Valeche, District 1	—
Commissioner Paulette Burdick, District 2	—
Commissioner Shelley Vana, District 3	—
Commissioner Steven L. Abrams, District 4	—
Commissioner Mary Lou Berger, District 5	—
Commissioner Melissa McKinlay, District 6	—
Commissioner Priscilla A. Taylor, District 7	—

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the _____ day of _____, 2016.

ATTEST:

SHARON R. BOCK, Clerk & Comptroller

By: _____

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Assistant County Attorney

RESOLUTION NO. 43-15

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY OF DELRAY BEACH TO INITIATE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF DELRAY 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 SECTION 171.203, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose of this resolution is to initiate a process to jointly study the area described in Exhibit "A" to ensure efficient provision of services and ultimately annex property to adjust the municipal boundary and ensure sound urban development; and

WHEREAS, the City Commission of the City of Delray Beach, Florida ("City") deems it to be in the best interest of the City to negotiate an Interlocal Service Boundary Agreement with Palm Beach County for the area described in Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, the City desires to annex properties within the Palm Beach County Urban Services Boundary; and

WHEREAS, the area described in Exhibit "A" is within the future annexation area of the City as identified on Map #11 of the Future Land Use Element, as set forth in the City's Comprehensive Plan; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitals above are true and correct and are incorporated into the findings of this Resolution as if fully set forth herein.

Section 2. The City of Delray Beach, Florida, hereby agrees to negotiate in good faith with Palm Beach County, in accordance with Section 171.203, Florida Statutes, regarding a streamlined annexation and land use amendment process for property currently in the unincorporated area of the County as outlined in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference; and further agrees to address the issues outlined in Sections 3 and 4 herein during the negotiations.

RES. NO. 43-15

Section 3. The City of Delray Beach, Florida 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. Police
2. Fire, Rescue, and Emergency Medical
3. Water and Wastewater
4. Road Ownership, Construction, and Maintenance including street lights
5. Conservation, Parks and Recreation
6. Stormwater Management and Drainage
7. Sidewalks, pedestrian systems

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

Section 5. That this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Commission of the City of Delray Beach this 11th day of August, 2015.

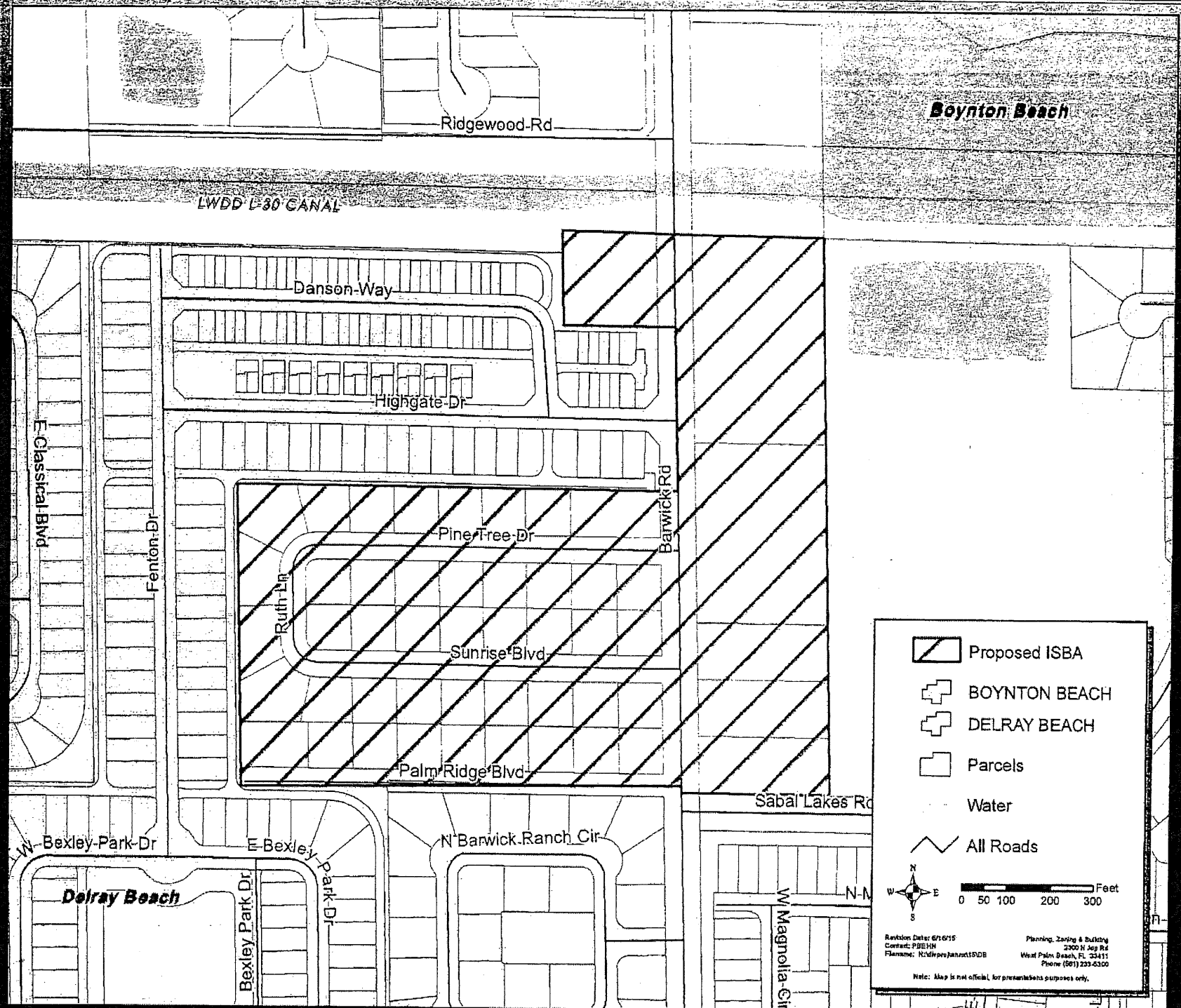

MAYOR

ATTEST:


City Clerk

RES. NO. 43-15

Exhibit A - City of Delray Beach Initiating Resolution Proposed Interlocal Service Boundary Agreement (ISBA)



RESOLUTION NO. R-2015-1343

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 DELRAY 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 (F.S.), (2014), 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 August 11, 2015, the City of Delray Beach adopted an Initiating Resolution No. 43-15, 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 Delray 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, F.S. (2014), 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 Delray Beach 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 Delray Beach, in accordance with Chapter 171.203, F.S., to prepare an Interlocal Service Boundary Agreement to establish a process to address a wider range of effects of annexation, and identify 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 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
- g. Sidewalks, pedestrian systems

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. The provisions of this Resolution shall become effective upon adoption by the Board of County Commissioners.

Section 5. This Resolution shall expire on August 10, 2020, but may be terminated prior to this date or extended by a written instrument approved by the Board of County Commissioners.

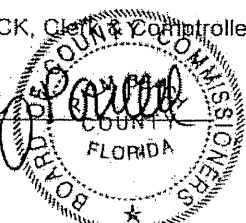
The foregoing Resolution was offered by Commissioner Taylor who moved its adoption. The motion was seconded by Commissioner Abrams and upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Absent
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 22nd day of September, 2015.

ATTEST:
SHARON R. BOCK, Clerk & Controller

By: Mary Lou Berger
Deputy Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
Chief Land Use County Attorney

RESOLUTION NO. 32-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RESCINDING INITIATING RESOLUTION 43-15 THAT WAS ENACTED TO COMMENCE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT FOR THE NORTH BARWICK ROAD AREA AS REQUIRED BY CHAPTER 171, PART II, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 11, 2015, the City of Delray Beach adopted an Initiating Resolution No. 43-15, pursuant to Chapter 171, Part II, F.S., to commence the negotiation process for an Interlocal Service Boundary Agreement for the North Barwick Road Area outlined in Exhibit "A"; and

WHEREAS, on September 22, 2015, the Board of County Commissioners adopted the responding Resolution R-2015-1343 pursuant to Chapter 171, Part II, F.S., within 60 days after the receipt of an initiating Resolution to commence the negotiation process for an Interlocal Service Boundary Agreement; and

WHEREAS, the City of Delray Beach has hosted two Community Meetings on April 11, 2013 and June 13, 2016 to garner input from the property owners within the subject Interlocal Service Boundary Agreement Area; and

WHEREAS, the property owners have voiced opposition for the adoption of an Interlocal Service Boundary Agreement and the potential for further annexation.

WHEREAS, the City Commission has determined that is not in the best interest of the City to enter into the Interlocal Service Boundary Agreement for the North Barwick Road Area at this time and therefore desires to rescind Resolution 43-15 and termination the negotiation process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth herein above are true, accurate and correct and are incorporated herein.

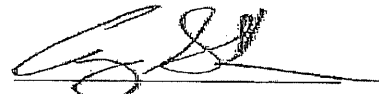
Section 2 The City hereby rescinds Initiating Resolution No. 43-15 and terminates the

RES. NO. 32-16

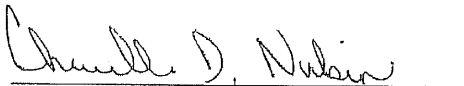
negotiation process for an Interlocal Service Boundary Agreement for the North Barwick Road Area outlined in Exhibit "A".

Section 3. The provisions of this Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Commission of the City of Delray Beach this 16th day of August, 2016.


Mayor

ATTEST:


City Clerk

RES. NO. 32-16

CITY OF DELRAY BEACH



CITY CLERK

100 N.W. 1st AVENUE

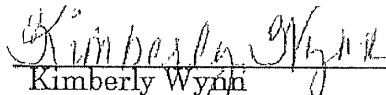
DELRAY BEACH, FLORIDA 33444

561/243-7000

CERTIFICATION

I, KIMBERLY WYNN, Acting City Clerk of the City of Delray Beach, do hereby certify that the attached document is a true and correct copy of Resolution No. 32-16, as the same was passed and adopted by the Delray Beach City Commission in regular session on the 16th day of August, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 19th day of August, 2016.

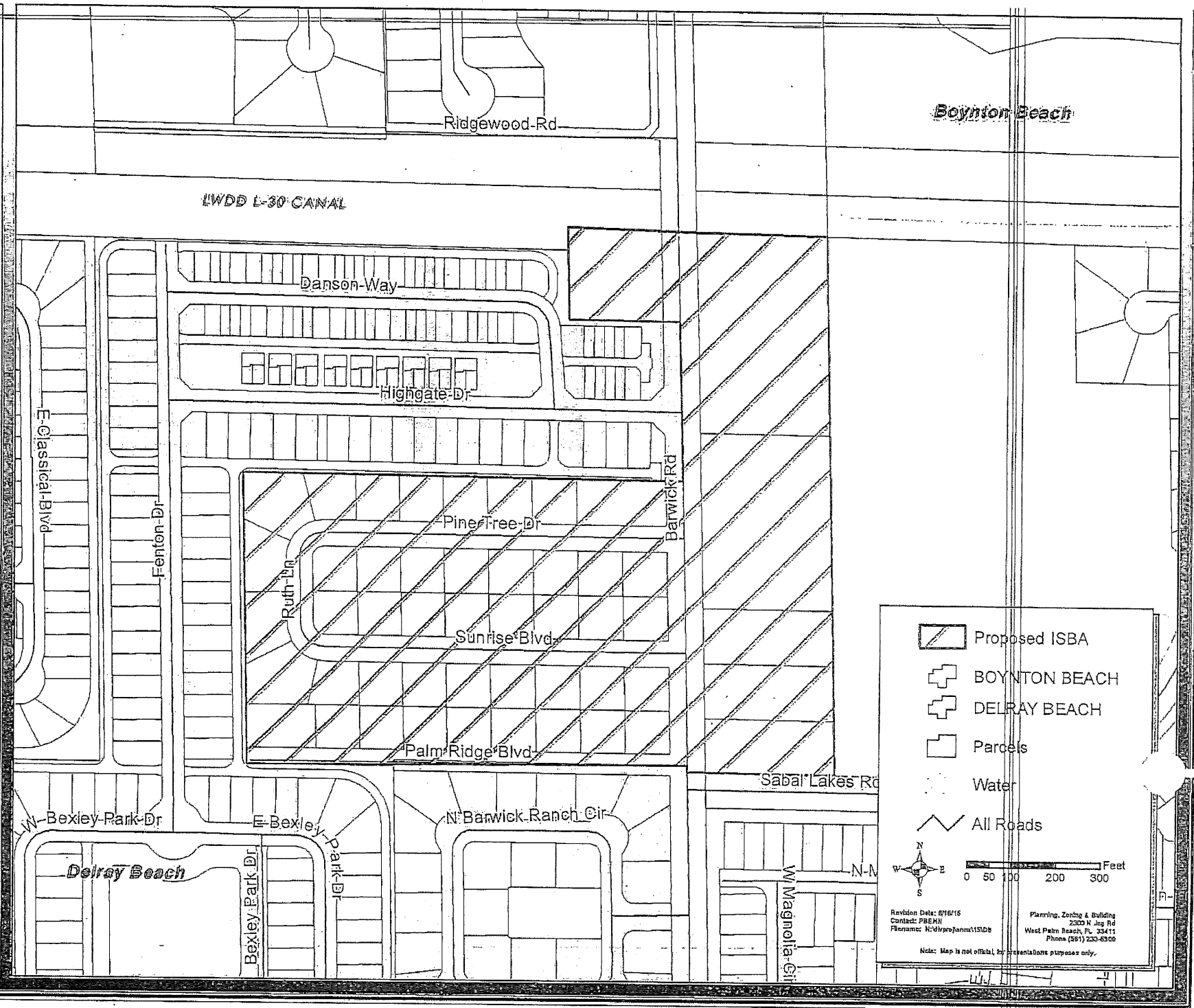


Kimberly Wynn
Acting City Clerk
City of Delray Beach, Florida

(SEAL)

SERVICE · PERFORMANCE · INTEGRITY · RESPONSIBLE · INNOVATIVE · TEAMWORK

Exhibit A - City of Delray Beach Initiating Resolution Proposed Interlocal Service Boundary Agreement (ISBA)



CITY OF DELRAY BEACH



100 N.W. 1st AVENUE

• DELRAY BEACH, FLORIDA 33444

• 561/243-7000

August 22, 2016

Ms. Verdenia C. Baker
Palm Beach County Administrator
301 North Olive Avenue
West Palm Beach, Florida 33401

RE: Interlocal Boundary Service Agreement Rescinding Resolution

Dear Ms. Baker:

At its meeting of August 16, 2016, the Delray Beach City Commission approved Rescinding Resolution No. 32-16 to discontinue the Interlocal Boundary Service Agreement (ISBA) process for the North Barwick Road Area pertaining to the annexation of certain parcels. A certified copy of the ISBA Rescinding Resolution is attached.

Even though the City is not pursuing the ISBA at this time, the City of Delray Beach welcomes future continued collaboration with Palm Beach County. Please do not hesitate to contact me if you have any questions regarding this matter. I can be reached at 561.243.7043 or stillings@mydelraybeach.com.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Stillings".

Timothy Stillings, AICP
Planning, Zoning and Building Director

cc: Lorenzo Aghemo, Palm Beach County Planning Director

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