

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: September 18, 2018

Consent Regular
 Public Hearing

Department

Submitted By: County Attorney

Submitted For: County Attorney

I. EXECUTIVE BRIEF


Motion and Title: Staff recommends motion to: adopt a Resolution Initiating the Florida Governmental Conflict Resolution process regarding the challenge to West Palm Beach's proposed comprehensive plan amendment creating the Okeechobee Business District.

SUMMARY: The Board of County Commissioners, at its Zoning meeting on August 23rd, authorized the initiation of legal proceedings to challenge West Palm Beach's proposed comprehensive plan amendment creating the Okeechobee Business District. Pursuant to Chapter 164, Florida Statutes, Florida's Governmental Conflict Resolution Act, once such an action has been filed, the governing body must initiate the dispute resolution proceedings set forth in the Act. The first step in initiating this process is to adopt the Resolution presented here. Countywide (LB)

Background and Policy Issues: Palm Beach County is joining the Town of Palm Beach in this matter, and sharing legal expenses, in order to minimize expenses. Both parties filed a challenge to the proposed plan amendment on September 12th. The Florida Governmental Conflict Resolution Act in summary, requires a series of meetings in an attempt to resolve the matter. First, administrative staff of each participating government meets to assess the conflict and attempt to arrive at a tentative solution. Should that attempt fail, the governing bodies of each participant must convene a joint public meeting to negotiate a solution. Should that yield no acceptable result, the parties participate in mediation. Should mediation fail, the parties may resume legal proceedings. According to the Act, legal action is abated pending outcome of the dispute resolution process.

Attachments:

- 1. Resolution

Recommended by:  9/13/18
Date

Approved by: n/a _____
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	-0-				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No:

Fund Agency Organization Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

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

Robert Brown 9/13/18
 OFMB 9/9/13

Dr. J. Jackson 9/14/18
 Contract Dev. & Control 9/13/18

B. Legal Sufficiency

Shonau By
 Assistant County Attorney

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

RESOLUTION NO. R-2018 -

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, INITIATING THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION PROCESS REGARDING THE CHALLENGE TO WEST PALM BEACH'S PROPOSED COMPREHENSIVE PLAN AMENDMENT CREATING THE OKEECHOBEE BUSINESS DISTRICT.

WHEREAS, Palm Beach County (the "County") and the Town of Palm Beach ("Town") have jointly filed a legal challenge to the City of West Palm Beach ("City") Comprehensive Plan Amendment 18-1ESR, (the "Plan Amendment"), adopted by Ordinance No. 4783-18, amending the City's Downtown Master Plan Element to create the Okeechobee Business District; and

WHEREAS, the County and the Town maintain that the City's Plan Amendment is not "in compliance" with the requirements of the Community Planning Act, as that term is defined in Section 163.3184(1)(b), Florida Statutes, as stated with greater specificity in the legal challenge jointly filed by the County and Town; and

WHEREAS, the Florida Governmental Conflict Resolution Act (the "Act"), set forth in Chapter 164, Florida Statutes, expresses the Legislature's intent that conflicts between governmental entities be resolved to the greatest extent possible without litigation; and

WHEREAS, the purpose and intent of the Act is to enhance intergovernmental coordination efforts by the creation of a conflict resolution procedure that can provide an equitable, expeditious, effective and inexpensive method for resolution of conflicts between and among local and regional governmental entities; and

WHEREAS, the procedures and requirements of the Act extend to conflicts arising from any issue relating to local comprehensive plan amendments prepared pursuant to Part II of Chapter 163, Florida Statutes; and

WHEREAS, it is the intent of the County to initiate the conflict resolution procedures provided by the Act prior to proceeding with any action on the pending challenge to the City's Plan Amendment.

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

1. The Recitals provided above are true and correct and form a part of this Resolution.

2. The County hereby expresses its intent and desire to initiate the conflict resolution procedures of the Act, and to explore potential options for resolving the issues and concerns raised in connection with West Palm Beach's proposed Comprehensive Plan Amendment 18-1ESR.

3. The County Administrator, or her designee, is hereby authorized to take all necessary actions necessary to effectuate the County's intent and desire to initiate the conflict resolution procedures set forth in Chapter 164, Florida Statutes.

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

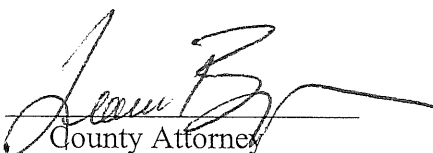
Commissioner Melissa McKinlay, Mayor	-
Commissioner Mack Bernard, Vice Mayor	-
Commissioner Hal R. Valeche	-
Commissioner Paulette Burdick	-
Commissioner Dave Kerner	-
Commissioner Steven L. Abrams	-
Commissioner Mary Lou Berger	-

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2018.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS

SHARON R. BOCK
CLERK & COMPTROLLER

By: 
County Attorney

By: _____
Deputy Clerk