



BOARD OF COUNTY COMMISSIONERS

DATE: December 6, 2011
AGENDA ITEM NO.

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☐

County Administrator's Signature:

Subject: Resolution to Initiate Process to Negotiate an Annexation Interlocal Agreement

Department:

Planning Department

Staff Member Responsible:

Larry Arrington, Director

Recommended Action:

IT IS RECOMMENDED THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE ATTACHED RESOLUTION AND AUTHORIZE ITS TRANSMITTAL TO THE LOCAL GOVERNMENT JURISDICTIONS AND THE INDEPENDENT SPECIAL DISTRICTS LISTED IN THE RESOLUTION TO INITIATE THE PROCESS FOR NEGOTIATING ONE OR MORE INTERLOCAL AGREEMENTS AS PROVIDED FOR IN CHAPTER 171, PART II OF THE FLORIDA STATUTES.

Summary Explanation/Background:

In 2006, the Florida Statutes were amended to add Part II to Chapter 171. Part I of this chapter established statewide standards and procedures for municipal annexation or contraction. This new section of the Statutes allows for a county and municipalities to enter into interlocal service boundary agreements to address a variety of potential issues associated with voluntary and referendum annexations and service delivery. At a workshop on June 9, 2011, the Board discussed a proposal from the City of Largo to develop an interlocal agreement addressing a number of annexation issues. After considering comments from County staff and from the City of Largo, the Board directed staff to pursue developing an Interlocal Agreement with the municipalities that addressed a single issue - the ability of a municipality to voluntarily annex property that is not contiguous to the municipality and located within an enclave completely surrounded by that same municipality (informally described as a Type A enclave). Part II of Chapter 171 provides a process that the County, municipalities, and independent special districts can use for reaching an interlocal agreement to address annexation issues. County staff have prepared a resolution that would initiate the process for developing an interlocal agreement as provided for in Part II of Chapter 171.

The attached resolution and associated exhibits contain the following recommended provisions:

1. The ten (10) municipalities that contain Type A enclaves (Exhibit A) would be invited to participate in the Interlocal Agreement process;
2. The five (5) independent special districts that serve all or portions of the properties contained in the Type A enclaves (Exhibit C) will be notified, with the option of participating in the process;
3. The map included in the resolution (Exhibit B) identifies the location and extent of all existing Type A enclaves in Pinellas County; and
4. Section 3 of the resolution identifies the sole issue to be negotiated as the ability of a municipality to voluntarily annex property that is not contiguous to the municipality as defined in Section 171.031(11), Florida Statutes, and is located within a Type A enclave.

The Board initiated this interlocal agreement procedure once before in July 2008. At that time 15 municipalities and four fire districts participated in negotiations with Pinellas County on a broad range of issues associated with annexation and planning area boundaries. After more than a year of negotiation, all participants agreed to end the process due to lack of progress on the numerous issues under discussion. The current proposal should not suffer the same fate since the ten municipalities that would be invited to participate have agreed to limit the negotiations to the one issue of voluntary annexation of non-contiguous properties within Type A enclaves.

County staff recommends the Board approve the attached resolution and authorize its transmittal to the local government jurisdictions and the independent special districts listed in the resolution. Chapter 171, Part II, describes the steps to be followed once the County initiates this process. In that procedure, it is the Board that is to initiate the process with a formal resolution. After receipt of the initiating resolution from the County, an invited municipality has 60 days to adopt a responding resolution and, within 7 days, send the resolution to the County, each invited municipality, and each independent special district that received the initiating resolution. In addition, an independent special district that receives the initiating resolution from the County and that desires to participate in the negotiations must adopt a resolution within 60 days and send the resolution to the County and each invited municipality within 7 days after its adoption. The County, invited municipalities, and those independent special districts that decide to participate must begin negotiations within 60 days after receipt of the responding resolutions. An invited municipality that fails to adopt a responding resolution waives its right to participate in the negotiation process and shall be bound by an interlocal agreement resulting from the negotiation process. If the Board authorizes transmittal of the resolution, County transmittal will include an explanation of the reasons for initiating the Interlocal Service Boundary Agreement process along with an outline of the procedure to be followed and the timetable established in the Statutes for the various decision-making steps.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Proposed Resolution