

BOARD OF COUNTY COMMISSIONERS

DATE: February 2, 2010

AGENDA ITEM NO. 21a

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

County Administrator's Signature: 

Subject:

Proposed Resolution bringing the Interlocal Service Boundary Agreement/Annexation Process to an end

Department:

Planning

Staff Member Responsible:

Brian K. Smith, Director

Recommended Action:

I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS (BOARD) ADOPT THE ATTACHED RESOLUTION RESCINDING COUNTY RESOLUTION NO. 08-110, BRINGING NEGOTIATIONS UNDER THE INTERLOCAL SERVICE BOUNDARY AGREEMENT PROCESS IN CHAPTER 171, PART II, OF THE FLORIDA STATUTES TO AN END.

Summary Explanation/Background:

In July 2008, the Board adopted Resolution No. 08-110, initiating the Interlocal Service Boundary Agreement process within Pinellas County. A Workgroup of County, municipal, and fire district representatives, which has been working for over a year to develop an Interlocal Agreement using this process, reached a unanimous decision at its December 8, 2009, meeting that negotiations be brought to an end. The attached Resolution would accomplish this by rescinding the County resolution (Resolution No. 08-110) that started this process.

The Interlocal Service Boundary Agreement (ISBA) process contained in Part II, Chapter 171 of the Florida Statutes provides an alternative to the current Part I annexation procedures that apply throughout the State of Florida, including Pinellas County. The ISBA process permits the adoption of an interlocal agreement establishing a more flexible annexation process and the ability to address annexation and service delivery issues on a local rather than statewide level. A Joint Pinellas Planning Council/Countywide Planning Authority Annexation Subcommittee developed a draft resolution, which was submitted to the Board along with a recommendation that the County commence discussions with invited municipalities and independent special districts to develop an interlocal service boundary agreement to address annexation-related issues. The Board adopted the resolution (Resolution No. 08-110) on July 1, 2008, and authorized its transmittal to all municipalities and independent special districts within the County to initiate the ISBA process.

Fifteen municipalities and the four independent fire districts adopted responding resolutions, agreeing to participate in the ISBA process. A list of the participating entities is included as Exhibit A to the attached proposed Resolution. An Interlocal Service Boundary Agreement/Annexation Workgroup consisting of representatives from the participating entities and the Pinellas Planning Council met five times between November 19, 2008, and December 8, 2009, to work on developing an Interlocal Agreement that would be acceptable to all parties involved in negotiations. The negotiations focused on the annexation process and a map delineating those unincorporated areas that would be eligible for annexation. At the monthly City Managers Meeting on December 4, 2009, twelve

city managers and the County Administrator discussed the status of the ISBA negotiations and were in agreement that enough time and energy had been devoted to the negotiations and were in favor of ending the process. The result of the City Managers Meeting was discussed at the December 8th ISBA/Annexation Workgroup Meeting, and there was a unanimous decision from those in attendance that the process be brought to an amicable end. This would leave open the option in the future for developing agreements with individual cities under the ISBA process, which would need to be initiated anew. There was also discussion that those cities that had adopted responding resolutions that had additional issues not included in County Resolution No. 08-110 would need to rescind their resolutions in order to remove those issues from the negotiations. The attached December 8, 2009, Meeting Notes document the actions of the Workgroup. It is the recommendation of the Workgroup that the preferred way to cease negotiations and end the ISBA process would be for the Board to rescind County Resolution No. 08-110. Ending the negotiations in this manner would avoid the Chapter 164 Conflict Resolution process. County staff concurs with the Workgroup recommendation and recommends that the Board adopt the attached proposed Resolution to end the ISBA process without triggering the Chapter 164 process.

Fiscal Impact/Cost/Revenue Summary:

N.A.

Exhibits/Attachments Attached:

Proposed Resolution

Meeting Notes of the December 8, 2009, Meeting of the ISBA/Annexation Workgroup

Brian

RESOLUTION NO. 10-22

RESOLUTION OF THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, RESCINDING PINELLAS COUNTY RESOLUTION NO. 08-110, WHICH HAD INITIATED THE PROCESS PROVIDED UNDER CHAPTER 171, PART II, FLORIDA STATUTES, THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT.

WHEREAS, Part II, Chapter 171, Florida Statutes, entitled the "Interlocal Service Boundary Agreement Act" ("Act") provides an alternative to Part I of said Chapter for local governments regarding the annexation of territory into a municipality and the subtraction of territory from the unincorporated area of the county; and

WHEREAS, the Act permits the adoption of a more flexible process for adjusting municipal boundaries and addressing a wider range of the affects of annexation; and

WHEREAS, the overriding goal of the process set forth within the Act is to promote sensible boundaries that reduce the cost of local government, avoid duplicating local services, and increase political transparency and accountability; and

WHEREAS, on June 2, 2008, the Joint PPC/CPA Annexation Subcommittee, consisting of three (3) municipal representatives and three (3) County representatives, recommended to the Pinellas County Board of County Commissioners ("Board") that the Board commence discussions with invited municipalities and independent special districts within the framework of the Act regarding the development of an interlocal service boundary agreement to address the above referenced concerns; and

WHEREAS, on July 1, 2008, the Board adopted Pinellas County Resolution No. 08-110 which initiated the above referenced process and negotiations under the Act,

WHEREAS, in Resolution No. 08-110, the County invited twenty-four (24) municipalities to participate in said process and notified ten (10) independent special districts of said process; and

WHEREAS, a total of fifteen (15) municipalities and four (4) independent special districts as listed in Exhibit "A" adopted resolutions in order to participate in the negotiations with the County with the goal of achieving one interlocal service boundary agreement; and

WHEREAS, the participating entities held a series of meetings from November 19, 2008 through December 8, 2009; and

WHEREAS, at the meeting on December 8, 2009, the participating municipalities and independent special districts voted unanimously to cease the above negotiations and declare an impasse, and requested that the Board rescind Resolution No. 08-110 in order to avoid the Chapter 164, Florida Statutes process; and

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PINELLAS COUNTY

WHEREAS, the Board has agreed to the request of the participating municipalities and independent special districts to end the above negotiations under the Act and to rescind Resolution No. 08-110.

NOW, THEREFORE, BE IT RESOLVED by The Board of County Commissioners of Pinellas County, on this 2nd day of February, 2010, that Resolution No. 08-110 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 and special district listed in Exhibit "A."

This Resolution shall take effect immediately upon its adoption.

Commissioner Welch offered the foregoing Resolution and moved for its adoption, which was seconded by Commissioner Latvala, and upon the roll call, the vote was:

_____ Ayes Seel, Latvala, Morroni, Welch, Bostock, Brickfield, and Harris.

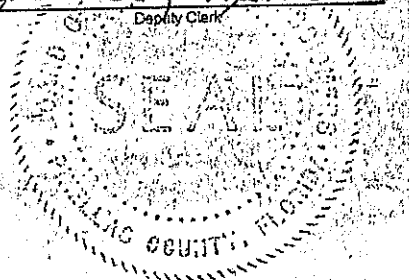
_____ Nays None.

_____ Absent and not voting None.

I, KENNETH P. BURKE, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL this 5th day of February A.D. 2010

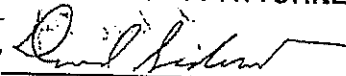
KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio
Clerk of the Board of County Commissioners,
Pinellas County, Florida

By [Signature]
Deputy Clerk



APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By



Attorney

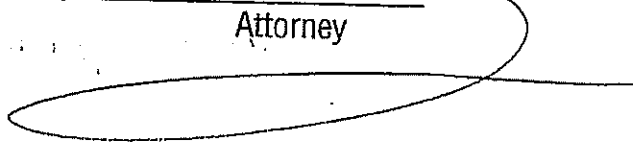


EXHIBIT A

Municipalities

- Belleair Beach
- Belleair Bluffs
- Clearwater
- Dunedin
- Gulfport
- Indian Shores
- Kenneth City
- Largo
- Oldsmar
- Pinellas Park
- Safety Harbor
- Seminole
- South Pasadena
- St. Petersburg
- Tarpon Springs

Independent Special Districts

- Pinellas Suncoast Fire & Rescue District
- East Lake Tarpon Special Fire Control District
- Lealman Special Fire Control District
- Palm Harbor Special Fire Control & Rescue District

Agenda and Meeting Notes

Interlocal Service Boundary Agreement/Annexation Workgroup Meeting

December 8, 2009 ♦ 10:00 a.m.

Sunken Gardens

1825 4th Street N. St. Petersburg, FL

- I. **Call to Order** – Bruce Haddock, Oldsmar City Manager and Co-Chair of the Workgroup, opened the meeting at 10:03 a.m. Introductions around the table followed.
- II. **Approval of the Meeting Notes** – There were no comments on the notes for the September 30th, 2009 meeting and they were approved as drafted.
- III. **Summary of the December 4, 2009 City Managers Meeting with the County Administrator**

Bruce Haddock reviewed the meeting that took place between County Administrator Bob LaSala and city managers on the Interlocal Service Boundary Agreement (ISBA) process that was initiated in July of 2008. Twelve city managers attended that meeting. After they had discussed the status of negotiations, everyone at the City Managers Meeting was in favor of ending the process. The city managers and the County Administrator concurred that enough time and energy had been devoted to the process. Bruce had spoken with Robert DiSpirito, City Manager of Dunedin, who had not attended the December 4th meeting, and he also agreed with this decision. In terms of annexation, the cities would comply and follow the Florida Statutes and the Interlocal Agreement from 2007 that has an impact on annexation.

Brian Smith, who had attended the City Manager's Meeting, relayed that he agreed with Mr. Haddock's summary of the meeting, which was to end the ISBA process. The idea is to end it now, with the understanding of unwinding the process as simply as possible, without having to go through the Chapter 164 conflict resolution process. This would still leave open the opportunity for reaching agreements with individual cities under the current law.

Bruce Haddock then asked if anyone in the group had any comments, objections, or different positions. No comments were received from the group. As there were no comments, it was assumed that all were in agreement. Mr. Haddock noted that the process would be ended with the understanding of "no harm, no foul" on the part of all negotiating parties. Bruce then went to Item VII C on the agenda.

VII. C. How best to proceed with the program

Bruce moved to this item on the agenda, discussing how best to proceed with bringing this effort to a conclusion. The municipalities requested that the County Commission rescind the resolution that they adopted in July of 2008. This would undo County Resolution 08-110, which initiated the ISBA process.

David Sadowsky explained how this could happen. Under Chapter 171, Part II, the participants in the ISBA process may declare an impasse in negotiations and then have to go through a Chapter 164 process, have another meeting of the ISBA group, and then have a joint public meeting. To avoid this cumbersome way to end the process, Mr. Zimmet, prior to the meeting, had recommended that the County could rescind their resolution that initiated the

process. David Sadowsky had spoken with County Attorney Jim Bennett, who then spoke with County Administrator Bob LaSala, who said that he would be willing to recommend rescinding the resolution to the County Commission. This approach to ending the negotiations would avoid the Chapter 164 process. Jim Yacavone thought that those cities that had passed responding resolutions that had additional issues not included in the County's resolution would also need to rescind their resolutions in order to remove those issues from the negotiations. David Sadowsky agreed and stated that the recommendation of Jim Bennett would be for the County to rescind its initiating resolution, and that those cities that had identified additional issues also rescind their responding resolutions, otherwise those additional issues would still be on the table. The County Commission could probably vote on rescinding their resolution in January 2010. The first step would entail going to the County Commission to get permission to do the rescinding resolution. Permission could probably be obtained this month. Secondly, we would need a letter from a representative of the cities, requesting that the County do this, and send it to Mr. LaSala, who would then bring it to the County Commission.

Bruce Haddock requested that the minutes reflect that it was a unanimous decision from the Workgroup participants and the jurisdictions attending the meeting this morning, that the process be brought to an end. He again asked the group if there was anyone who objected to the decision to end the process. No objections were heard. A question was asked as to the County resolution number that initiated the ISBA process; it was determined to be Resolution 08-110. Once again, hearing no objections, it was agreed that the Interlocal Services Boundary Agreement Process be brought to a conclusion, and the recommendation for accomplishing this is that Resolution 08 -110 be rescinded. It was agreed that there will be no need for the letter that David Sadowsky is requesting since the minutes clearly reflect the action of the Workgroup. Bruce Haddock and Brian Smith can sign the notes of the meeting for documentation of the action taken. The County will follow up with providing the Workgroup participants with the dates for County action on rescinding the County's initiating resolution.


VIII. Set Next Meeting Date, Location and Agenda Items

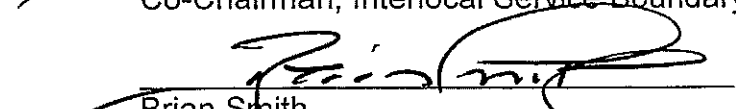
Bruce Haddock stated that there was no need for another meeting, so a date will not be set.

IX. Public Comment

Mr. Haddock asked if there were any public comments. One comment was received from a representative of the Council of North County Neighborhoods, asking about the County map. Brian Smith stated that it was the final revision, from the County website, but it was no longer relevant, because the process is being ended.

The meeting was adjourned at 10:20 a.m.


Bruce Haddock
Co-Chairman, Interlocal Service Boundary Agreement/Annexation Workgroup


Brian Smith
Co-Chairman, Interlocal Service Boundary Agreement/Annexation Workgroup

December 8, 2009