

MUNICIPAL COUNTER-PROPOSAL
Changes to Annexation Process Recommended by
Pinellas County for Inclusion in an Interlocal Service Delivery Agreement
March, 2009

The following represents a counterproposal to language proposed by Pinellas County at the January 23, 2009 Interlocal Service Boundary Agreement/Annexation Meeting. Page 2 of the counterproposal summarizes the changes made to Pinellas County's original proposal.

COUNTERPROPOSAL

1. The annexation provisions in the May 2007 Settlement Agreement shall remain in effect and shall not be superseded by the provisions of this Interlocal Service Boundary Agreement.
2. Planning Authority for Municipal Service Areas
 - a) Any reference to "municipal service area" contemplated in this agreement shall be limited to municipal service areas as defined in section §171.202(11)(a), Florida Statutes.
 - b) A city, in preparing and adopting its comprehensive plan for the development of land within the city, and amendments thereto, may include its municipal service area within the city's plan in order to advise both the County and the owners of parcels of property therein of the long-range planning objectives of the city. However, the city acknowledges that the inclusion in the city's plan of parcels of property within its municipal service area which lie outside the corporate limits of the city shall not be binding on the County or the property owners prior to annexation of such parcels by the city.
3. Each municipality shall have the ability to annex any and all unincorporated areas contained within its service area pursuant to §171.204, Florida Statutes, regardless of whether the area to be annexed is contiguous as defined in §171.031(11), Florida Statutes, compact as defined in §171.031(12), Florida Statutes or is an enclave or creates an enclave as defined in §171.031(13) & §171.202(2), Florida Statutes. For the purposes of this agreement:
 - a) Any parcels of property located within a municipal service area shall be considered "urban in character", as defined in §171.031(8), Florida Statutes; and
 - b) Annexation may be achieved by both referendum and non-referendum, or any other methodology approved by Florida Statutes.
4. Each municipality shall identify existing enclaves and unincorporated areas within its service area where municipal services are provided by that municipality. The municipality and County shall set forth an annexation schedule for a mandatory, phased annexation of the identified enclaves and unincorporated areas. The annexations shall then occur by interlocal agreement in accordance with the schedule.
5. Each municipality pursuing an annexation within its municipal service area, and requiring an Ability to Serve review and recommendation by the Pinellas Planning Council pursuant to Section 5 (13) of the Special Act, shall have the ability to develop one Master Ability to Serve report for its entire municipal service area. The development of one Master Ability to Serve report shall be deemed consistent with the requirements and intent of Section 5 (13) of the Special Act.
6. Only one legal notice shall be required for a voluntary annexation within a municipal service area rather than two as is currently required by 166.041, Florida Statutes.
7. The Interlocal Service Delivery Agreement shall have a 20-year time frame.
8. A municipality shall send the required certified notice for voluntary annexations to the Pinellas County Planning Department, rather than the Pinellas County Clerk's Office.
9. If municipal annexation ordinances are adopted in accordance with the conditions set forth in the Agreement, the County will not challenge administratively, judicially, or otherwise, any annexations by a municipality within its planning area.

SUMMARY OF CHANGES

Pinellas County paragraph 1. replaced with the following language:

The annexation provisions in the May 2007 Settlement Agreement shall remain in effect and shall not be superseded by the provisions of this Interlocal Service Boundary Agreement.

Pinellas County paragraphs 2. and 3. replaced with the following language:

Each municipality shall have the ability to annex any and all unincorporated areas contained within its service area pursuant to §171.204, Florida Statutes, regardless of whether the area to be annexed is contiguous as defined in §171.031(11), Florida Statutes, compact as defined in §171.031(12), Florida Statutes or is an enclave or creates an enclave as defined in §171.031(13) & §171.202(2), Florida Statutes. For the purposes of this agreement:

- A) Any parcels of property located within a municipal service area shall be considered “urban in character”, as defined in §171.031(8), Florida Statutes; and*
- B) Annexation may be achieved by both referendum and non-referendum, or any other methodology approved by Florida Statutes.*

Pinellas County paragraph 4. replaced with the following language:

- A) Any reference to “municipal service area” contemplated in this agreement shall be limited to municipal service areas as defined in section §171.202(11)(a), Florida Statutes.*
- B) A city, in preparing and adopting its comprehensive plan for the development of land within the city, and amendments thereto, may include its municipal service area with the city's plan in order to advise both the County and the owners of parcels of property therein of the long-range planning objectives of the city. However, the city acknowledges that the inclusion in the city's plan of parcels of property within its municipal service area which lie outside the corporate limits of the city shall not be binding on the County of the property owners prior to annexation of such parcels by the city.*

Pinellas County paragraph 5. replaced with the following language:

Each municipality pursuing an annexation within its municipal service area, and requiring an Ability to Serve review and recommendation by the Pinellas Planning Council pursuant to Section 5 (13) of the Special Act, shall have the ability to develop one Master Ability to Serve report for its entire municipal service area. The development of one Master Ability to Serve report shall be deemed consistent with the requirements and intent of Section 5 (13) of the Special Act.

Pinellas County paragraphs 6., 7., and 8. remain unchanged.

Pinellas County paragraphs 9., 10., and 11. removed in their entirety.

Municipalities propose new paragraphs 4. and 9.

Each municipality shall identify existing enclaves and unincorporated areas within its service area where municipal services are provided by that municipality. The municipality and County shall set forth an annexation schedule for a mandatory, phased annexation of the identified enclaves and unincorporated areas. The annexations shall then occur by interlocal agreement in accordance with the schedule.

If municipal annexation ordinances are adopted in accordance with the conditions set forth in the Agreement, the County will not challenge administratively, judicially, or otherwise, any annexations by a municipality within its planning area.