



**BOARD OF COUNTY COMMISSIONERS**

**DATE:** September 23, 2014

**AGENDA ITEM NO.** 24

**Consent Agenda** ☐

**Regular Agenda** ☒

**Public Hearing** ☐

 **County Administrator's Signature:**

**Subject:**

Authorization to Advise Public Hearing to Adopt Proposed Interlocal Service Boundary Agreement

**Department:**

Planning and Development Services

**Staff Member Responsible:**

Jacob Stowers, Interim Executive Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) AUTHORIZE ADVERTISEMENT FOR A PUBLIC HEARING TO BE HELD ON OCTOBER 21, 2014 TO CONSIDER ADOPTION OF THE ATTACHED ORDINANCE ADOPTING THE PROPOSED INTERLOCAL SERVICE BOUNDARY AGREEMENT.

**Summary Explanation/Background:**

On December 6, 2011, the Board of County Commissioners adopted Resolution No. 11-185 and authorized its transmittal to ten municipalities that contain Type A enclaves and to five independent special districts that serve these enclaves. This action by the Board initiated the process for negotiating an Interlocal Service Boundary Agreement (ISBA) to allow non-contiguous voluntary annexation within Type A enclaves. Type A enclaves are defined in the Florida Statutes as an unincorporated improved or developed area that is enclosed on all sides by a single municipality. The map included with the attached proposed ISBA shows the location of Type A enclaves within Pinellas County. The process we are following is specifically laid out in Chapter 171, Part II, of the Florida Statutes. The following nine municipalities and two fire districts agreed to participate in negotiations with the County to develop an ISBA: Clearwater, Dunedin, Kenneth City, Largo, Pinellas Park, Safety Harbor, St. Petersburg, Seminole, Tarpon Springs, Lealman Special Fire Control District and the Suncoast Fire and Rescue District. During the negotiation process, both fire districts decided to discontinue participation in the negotiations.

On December 10, 2013, the Board approved the final draft of the ISBA that County staff and staff from each of the nine participating municipalities had developed and found acceptable. At the December meeting, however, some of the Board members were concerned that both of the Fire Districts that had initially agreed to participate in negotiating development of the ISBA had decided to discontinue participation in the negotiations. In response to these concerns, County staff contacted Pinellas Suncoast Fire and Rescue and the Lealman Special Fire Control District to update them on the ISBA process and confirm whether it was still their intent not to be a signatory to the ISBA. The Board of Commissioners for Pinellas Suncoast Fire and Rescue at a meeting in mid-March 2014 reconfirmed their prior position that they did not want to be a signatory to the ISBA for the reasons stated in their letter of July 19, 2012. The Lealman Special Fire Control District, however, did not feel that they could make a final decision until after a ruling from the courts on a legal challenge by the Fire District on several annexations by the Town of Kenneth City. A decision by the 2nd District Court of Appeal on the annexations was rendered in May 2014, and the Lealman Fire Commission decided on June 2nd to reconfirm their earlier position not to participate as a signatory to the ISBA.

On July 21, County staff distributed the proposed ISBA that the Board had approved in December 2013 to the nine participating municipalities for adoption as required by Section 171.203(14), Florida Statutes. The Board is also required to adopt the ISBA by ordinance for it to become effective on November 1, 2014. County staff is, therefore, requesting that the Board authorize advertisement for a public hearing on October 21, 2014 to consider adoption of the ordinance that would adopt the proposed ISBA. The effective date of the proposed ISBA would be November 1, 2014.

**Fiscal Impact/Cost/Revenue Summary:**

N/A

**Exhibits/Attachments Attached:**

Proposed Ordinance Adopting the Interlocal Service Boundary Agreement

**ORDINANCE 14 - \_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF PINELLAS ADOPTING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT WITH SEVERAL MUNICIPALITIES IN PINELLAS COUNTY PURSUANT TO PART II OF CHAPTER 171 OF THE FLORIDA STATUTES; PROVIDING FOR THE VOLUNTARY ANNEXATION OF NON-CONTIGUOUS PROPERTY WITHIN AN ENCLAVE AS DEFINED IN SECTION 171.031(13)(A), FLORIDA STATUTES (REFERRED TO AS “TYPE A ENCLAVES”); PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, annexation of unincorporated area by the incorporated municipalities of Pinellas County is an ongoing, significant occurrence that has important growth management and service delivery implications to the unincorporated county, the incorporated municipalities, and the citizenry; and

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, one of the goals 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, Section 171.044(1), Florida Statutes prohibits the voluntary annexation of property that is not contiguous to a municipality and within an enclave; and

WHEREAS, given the highly urban character of Pinellas County, a more flexible process providing for municipalities to voluntarily annex non-contiguous property within an enclave is appropriate and desirable within Pinellas County; and

WHEREAS, Section 171.204, Florida Statutes, authorizes the parties to enter into an Interlocal Service Boundary Agreement as defined in Part II, Chapter 171, Florida Statutes, to permit non-contiguous, voluntary annexation of property within an enclave as defined in Section 171.031(13)(a), Florida Statutes (hereinafter “Type A enclaves”); and

WHEREAS, pursuant to Section 171.203, Florida Statutes, the County, on December 6, 2011, adopted Resolution No. 11-185 and authorized transmittal to the ten municipalities that

contain Type A enclaves and to the five independent special districts that serve these enclaves; and

WHEREAS, the cities of Clearwater, Dunedin, Largo, Kenneth City, Pinellas Park, Safety Harbor, St. Petersburg, Seminole, and Tarpon Springs, the Lealman Special Fire Control District, and the Pinellas Suncoast Fire and Rescue District responded with their respective resolutions to participate in this process; and

WHEREAS, during the negotiation process to develop the Interlocal Service Boundary Agreement, the Lealman Special Fire Control District and the Pinellas Suncoast Fire and Rescue District decided not to continue to participate in the negotiation process and be a party to the Interlocal Agreement; and

WHEREAS, the nine participating municipalities and Pinellas County through negotiations have developed an Interlocal Service Boundary Agreement as set forth in Exhibit 1 to permit voluntary annexation of non-contiguous property within Type A enclaves; and

WHEREAS, according to Section 171.203(14) of the Florida Statutes, when the participating local governments have reached an interlocal service boundary agreement, the county and the municipalities must adopt the agreement by ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Pinellas County, Florida, in its regular meeting duly assembled on this \_\_\_\_ day of \_\_\_\_, 2014, that:

#### **SECTION I: PURPOSE AND INTENT**

This ordinance, through adoption of the Interlocal Service Boundary Agreement in Exhibit 1, provides a more flexibility process for voluntary annexation within Type A enclaves for those municipalities in Pinellas County that are a party to the Interlocal Boundary Service Agreement, subject to the consent of the current owners of the real property being annexed.

#### **SECTION II:**

The Interlocal Service Boundary Agreement as set forth in Exhibit 1 is hereby adopted.

#### **SECTION III. SEVERABILITY**

If any section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

#### **SECTION IV. FILING OF ORDINANCE; EFFECTIVE DATE**

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon notice of filing of the Ordinance with the Department of State.

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

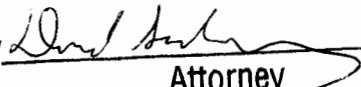
By   
Attorney

EXHIBIT 1

INTERLOCAL SERVICE BOUNDARY AGREEMENT

This INTERLOCAL SERVICE BOUNDARY AGREEMENT is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and among the City of Clearwater, City of Dunedin, Town of Kenneth City, City of Largo, City of Pinellas Park, City of Safety Harbor, City of St. Petersburg, City of Seminole, and City of Tarpon Springs, Florida municipalities (hereinafter individually "City" and collectively "Cities"), and Pinellas County, a political subdivision of the State of Florida (herein the "County"), hereinafter collectively referred to as the "Parties".

WHEREAS, annexation of unincorporated area by the incorporated municipalities of Pinellas County is an ongoing, significant occurrence that has important growth management and service delivery implications to the unincorporated county, the incorporated municipalities, and the citizenry; and

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, one of the goals 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, Section 171.044(1), Florida Statutes prohibits the voluntary annexation of property that is not contiguous to a municipality and within an enclave; and

WHEREAS, given the highly urban character of Pinellas County, a more flexible process providing for municipalities to voluntarily annex non-contiguous property within an enclave is appropriate and desirable within Pinellas County; and

WHEREAS, Section 171.204, Florida Statutes authorizes the parties to enter into an Interlocal Service Boundary Agreement as defined in Part II, Chapter 171, Florida Statutes, to permit non-contiguous, voluntary annexation of property within an enclave as defined in Section 171.031(13)(a), Florida Statutes (hereinafter "Type A enclaves"); and

WHEREAS, pursuant to Section 171.203, Florida Statutes, the County, on December 6, 2011, adopted Resolution No. 11-185 and authorized transmittal to the ten municipalities that

contain Type A enclaves and to the five independent special districts that serve these enclaves; and

WHEREAS, the cities of Clearwater, Dunedin, Largo, Kenneth City, Pinellas Park, Safety Harbor, St. Petersburg, Seminole, and Tarpon Springs, the Lealman Special Fire Control District, and the Pinellas Suncoast Fire and Rescue District responded with their respective resolutions to participate in this process; and

WHEREAS, during the negotiation process to develop the Interlocal Service Boundary Agreement, the Lealman Special Fire Control District and the Pinellas Suncoast Fire and Rescue District have decided not to continue to participate in the negotiation process and be a party to the Interlocal Agreement; and

WHEREAS, pursuant to Part II, Chapter 171, Florida Statutes, the Parties hereto agree that the following terms and conditions shall direct the manner in which non-contiguous properties within Type A enclaves may be annexed by the Cities.

NOW, THEREFORE, in consideration of the covenants made by each party to the other, the County and Cities agree as follows:

SECTION 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. Authority. This Interlocal Service Boundary Agreement ("Agreement") is entered into pursuant to the general authority of Part II, Chapter 171, Florida Statutes.

SECTION 3. Municipal Service Area. Pursuant to Section 171.202(11)(a), Florida Statutes, the Municipal Service Area is defined in this Agreement as the areas within the geographical boundaries of Pinellas County as set forth in Section 7.52, Florida Statutes, that meet the definition of an enclave as defined in Section 171.031(13)(a), Florida Statutes, as "any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality," and as set forth in Exhibit A.

SECTION 4. Voluntary Annexation Within a Municipal Service Area. Each City shall have the authority to voluntarily annex real property within the Municipal Service Area that is not contiguous to that municipality as defined in Section 171.031(11), Florida Statutes, and is enclosed within or bounded on all sides by that municipality. Annexation is considered voluntary through the submission of a petition for annexation by the current property owner. A municipality may not execute a petition for annexation on behalf of a property owner under an existing annexation agreement in order to use the voluntary annexation provisions under this Agreement. If the current property owner withdraws a petition for annexation prior to final

action by the municipality to annex the property, voluntary annexation of that property may not proceed under this Agreement.

SECTION 5. Annexation Agreements. The subject property to be annexed shall not involve a property that is subject to an existing annexation agreement on the effective date of this Agreement without the consent of the current owner(s) of the real property, unless the current owner is a party to the existing annexation agreement and has executed a petition for voluntary annexation. Property annexed pursuant to this Agreement shall not provide the basis for annexing an adjoining property that is subject to an annexation agreement without the consent of the current owner(s) of the real property.

SECTION 6. Procedure for Voluntary Annexation Within a Municipal Service Area. The owner or owners, or his/her or their agent, of real property that meets the requirements of Section 4 above, may petition the governing body of the municipality that said property be annexed into the municipality and the municipality may annex said property. The Parties agree to comply with the prerequisites to annexation as defined in Section 171.204, Florida Statutes and in Chapter 171, Part II, as are applicable. All notice requirements applicable to voluntary annexations under Chapter 171, Florida Statutes, shall be required. Additionally, notice to the property owner by certified mail prior to each reading of the ordinance shall be required. The County and the Cities agree to negotiate in good faith separate joint planning agreements for the Municipal Service Areas in order to comply with Section 171.204(2), Florida Statutes. All agreements relating to annexation existing on the Effective Date of this Agreement, whether settlement agreements or otherwise, between any of the Parties, are not intended to and shall not be amended or superseded by this Agreement and shall remain in full force and effect.

SECTION 7. Effect of Agreement. The procedure of Sections 4, 5, and 6 shall affect only the voluntary annexation of real property located within the Municipal Service Area as established by this Agreement. The procedures provided in Chapter 171, Part I, Florida Statutes governing annexation shall remain in full force and effect, except as modified in this Agreement.

SECTION 8. Term. The term of this Agreement shall be twenty (20) years. The renegotiation of this Agreement, if desired, must begin at least eighteen (18) months before its termination date.

SECTION 9. Periodic Review. The Parties agree to perform a periodic review of the Agreement at the conclusion on the 6<sup>th</sup>, 12<sup>th</sup>, and 18<sup>th</sup> years of the Agreement. The Cities agree to submit to the County the parcel number, date of annexation, size, the County Taxable Value as determined by the Pinellas County Property Appraiser and future land use map designation of each parcel that has been annexed in the prior six year period pursuant to the authority granted in

this Agreement, as well as any issues pertaining to the implementation of the Agreement. The County agrees to collate this information into a summary report.

SECTION 10. Notice. Notice by any of the Parties to the other Parties pursuant to this Agreement shall be given in writing and hand-delivered or mailed via certified mail, return receipt requested as follows:

If to the County:	County Administrator 315 Court Street Clearwater, Florida 33761
If to the City of Dunedin:	City Manager 542 Main Street Dunedin, FL 34698
If to the City of Largo:	City Manager P.O. Box 296 Largo, FL 33779-0296
If to the City of Safety Harbor:	City Manager 750 Main Street Safety Harbor, FL 34695
If to the City of Clearwater:	City Manager P.O. Box 4748 Clearwater, FL 33758-4748
If to the City of St. Petersburg:	City Administrator 175 Fifth Street N P.O. Box 2842 St. Petersburg, FL 33731
If to the City of Pinellas Park:	City Manager 5141 78 <sup>th</sup> Avenue Pinellas Park, FL 33781

If to the City of Seminole:

City Manager  
9199 113<sup>th</sup> Street N.  
Seminole, FL 33772

If to the City of Tarpon Springs:

City Manager  
324 E. Pine Street  
Tarpon Springs, FL 34689

If to the Town of Kenneth City:

Town Manager  
6000 54<sup>th</sup> Avenue N.  
Kenneth City, FL 33709

SECTION 11. Construction. This Agreement shall be construed as an expression of inter-agency cooperation enabling the parties to conduct annexations within the Municipal Service Area established herein in a more efficient manner. However, this Agreement shall not be construed as delegating or authorizing the delegation of the constitutional or statutory duties of either party to the other.

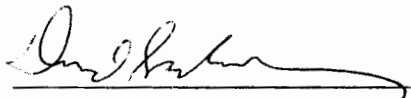
SECTION 12. Filing; Effective Date. This Agreement shall take effect on November 1, 2014.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date set forth above.

PINELLAS COUNTY, FLORIDA by and  
through its Board of County Commissioners

By: \_\_\_\_\_  
Karen Williams Seel, Chair

Approved as to Form:

  
\_\_\_\_\_  
County Attorney

ATTEST:  
KEN BURKE, CLERK

\_\_\_\_\_  
Deputy Clerk

CITY OF LARGO  
a municipal corporation

By: \_\_\_\_\_  
Norton Craig, City Manager

REVIEWED AND APPROVED:

\_\_\_\_\_  
Alan S. Zimmet, City Attorney

ATTEST:

\_\_\_\_\_  
Diane Bruner, City Clerk

CITY OF DUNEDIN  
a municipal corporation

By: \_\_\_\_\_  
Rob DiSpirito, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Trask, City Attorney

ATTEST:

\_\_\_\_\_  
Denise Schlegel, City Clerk

CITY OF CLEARWATER  
a municipal corporation

By: \_\_\_\_\_  
William B. Horne, II, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Pamela K. Akin, City Attorney

ATTEST:

\_\_\_\_\_  
Rosemarie Call, City Clerk

CITY OF PINELLAS PARK  
a municipal corporation

By: \_\_\_\_\_  
Douglas Lewis, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
James W. Denhardt, City Attorney

ATTEST:

\_\_\_\_\_  
Diane Corna, City Clerk

CITY OF SAFETY HARBOR  
a municipal corporation

By: \_\_\_\_\_  
Matt Spoor, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan S. Zimmet, City Attorney

ATTEST:

\_\_\_\_\_  
Karen Sammons, City Clerk

CITY OF ST. PETERSBURG  
a municipal corporation

By: \_\_\_\_\_  
Gary Cornwell, City Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeanne Hoffmann, City Attorney

ATTEST:

\_\_\_\_\_  
Eva Andujar, City Clerk

TOWN OF KENNETH CITY  
a municipal corporation

By: \_\_\_\_\_  
Matthew Campbell, Town Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
John Elias, Town Attorney

ATTEST:

\_\_\_\_\_  
Susan Scrogam, Town Clerk

CITY OF TARPON SPRINGS  
a municipal corporation

By: \_\_\_\_\_  
Mark LeCouris, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Jay Daigneault, City Attorney

ATTEST:

\_\_\_\_\_  
Irene Jacobs, City Clerk

CITY OF SEMINOLE  
a municipal corporation

By: \_\_\_\_\_  
Frank Edmunds, City Manager

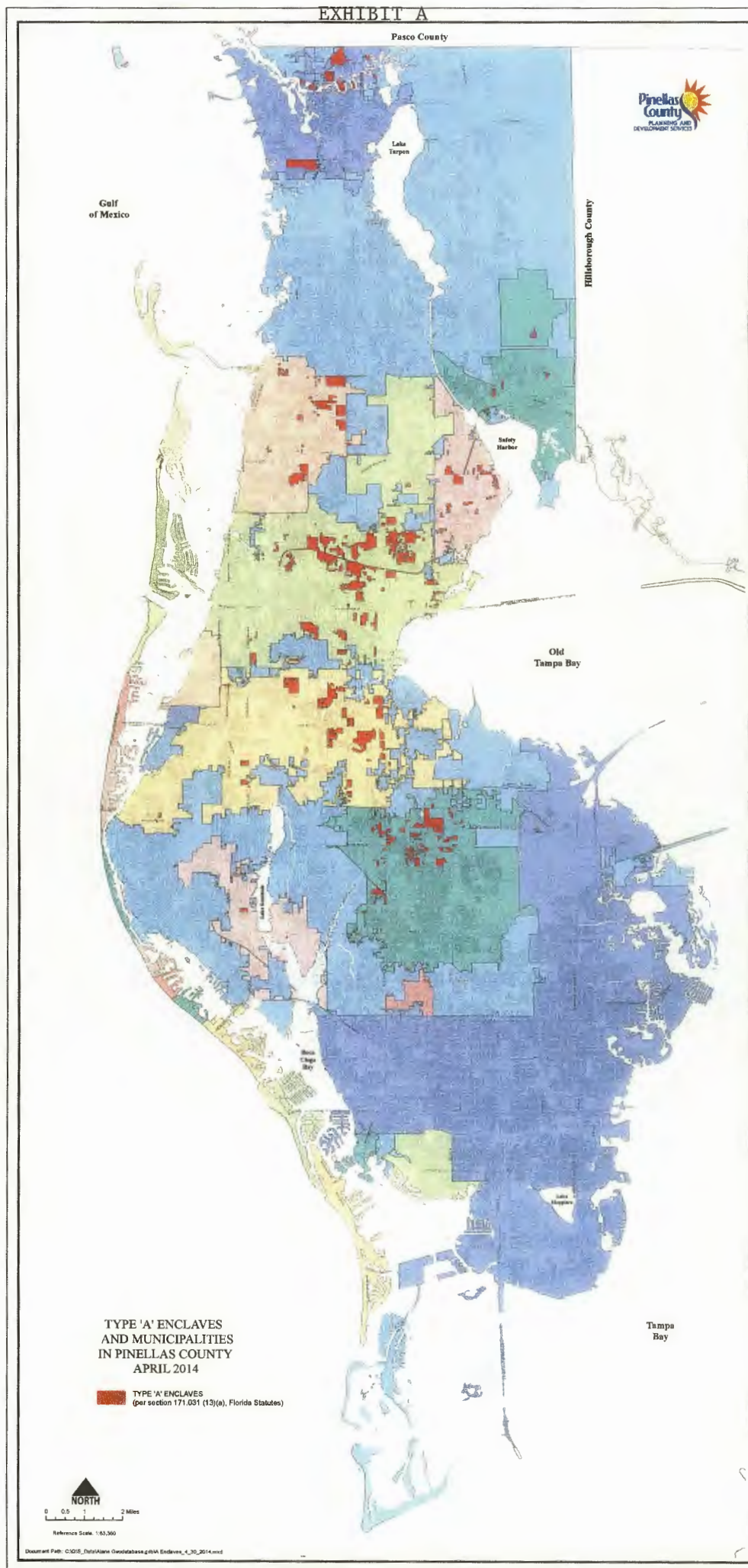
APPROVED AS TO FORM:

\_\_\_\_\_  
John Elias, City Attorney

ATTEST:

\_\_\_\_\_  
Rose Benoit, City Clerk

# EXHIBIT A



CATS# 45559

**PLANNING AND DEVELOPMENT SERVICES  
DEPARTMENT  
BCC AGENDA ITEMS**

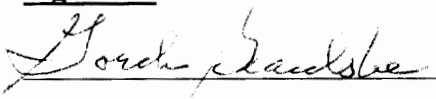
**REVIEW/INFORMATION SHEET**

**BCC Submittal Subject:** Authorization to Advertise Public Hearing to adopt Proposed Interlocal Service Boundary Agreement


**Proposed BCC Agenda Date:** September 23, 2014

**Approval Request Date:** September 9, 2014

**Division Submitting Agenda Item:** Planning Division

<b><u>Reviewed by:</u></b>	<b><u>Name</u></b>	<b><u>Signature</u></b>	<b><u>Review Date</u></b>
Originator(s)	Gordon Beardslee		9/8/14
Division Director			

**Submitted to:**

Director of _____		
Jacob Stowers, Interim Director Planning & Development Services		9/8/14
Other Appropriate Assist County Admin		
	(Name)	

**Subject/Issue/Project Facts:**

**(Answer the following: Who? What? Where? Why? How?, i.e., How Much?, How Many?)**

On December 6, 2011, the Board of County Commissionerers adopted Resolution No. 11-185 and authorized its transmittal to ten municipalities that contain Type A enclaves and to five independent special districts that serve these enclaves.

Nine municipalities and two fire districts (Lealman and Pinellas Suncoast) responded with resolutions that they wanted to participate in negotiations to develop an Interlocal Service Boundary Agreement (ISBA). During the negotiations over the past 2 1/2 years, the two fire districts decided to not continue participating in the negotiations.

Draft ISBAs were presented to the BCC in March and July 2012 and in May 2013. A final draft ISBA that County staff and staff from each of the participating municipalities found acceptable was presented to the BCC on December 10, 2013; this final draft was approved by the BCC. Based on comments from some of the BCC members at this meeting, County staff subsequently contacted the two fire districts to confirm that it was still their intent not to be a signatory to the ISBA. The Fire Boards of both districts reconfirmed that this was still their intent.

After receiving this confirmation from the two fire districts, on July 21 County staff distributed the ISBA that the BCC had approved on Dec. 10<sup>th</sup> to the participating municipalities for adoption by ordinance as required by Chapter 171, Part II, of the Florida Statutes. The BCC must also adopt the ISBA by ordinance for it to become effective. The attached BCC agenda item requests a public hearing date of October 21, 2014 to consider adoption of the proposed ordinance prior to the effective date of November 1, 2014 for the ISBA.