Alachua County
Board of County Commissioners

August 16, 2018

CERTIFIED MAIL
Receipt No.: 7001 1140 0003 6497 4490

Mr. Adam Boukari, City Manager
City of Alachua
15100 NW 142 Terrace
Alachua, FL 32615

Dear Mr. ~~Boukari~~ Adam:

On August 14, 2018 the Alachua County Board of County Commissioners passed the attached Resolution, pursuant to Chapter 164, Florida Statutes, initiating the governmental conflict resolution procedures with the City of Alachua, as set forth therein.

The Alachua County Board of County Commissioners finds that a conflict exists between the County and the City of Alachua as it relates to the City's adoption on July 23, 2018 of Ordinance 18-15, annexing approximately 148.24 acres of unincorporated land into the City of Alachua. The Board of County Commissioners finds that the requirements for annexation found in Chapter 171, Florida Statutes, are not met by this annexation, in that the area annexed into the City of Alachua is not reasonably compact as required and defined by the statute.

The County will suffer material injury by reason of the City's failure to comply with the requirements of Chapter 171, Florida Statutes, because the County will lose current and future tax revenue, and the annexations will create continuing inter-jurisdictional conflicts related to planning and growth management and inefficiencies in service delivery.

At this time, the County would propose that the Chief Administrator and Counsel for each entity, Assistant City/County Managers and City/County staff involved in Planning

12 SE 1st Street ■ Gainesville, Florida 32601 ■ Tel. (352) 264-6900 ■ Fax (352) 338-7363
TDD (352) 491-4430, or call 711 Relay
Commissioners' E-Mail: bocc@alachuacounty.us ■ Home Page: www.alachuacounty.us
An Equal Opportunity Employer M.F.V.D.

should attend a conflict assessment meeting pursuant to Section 164.1053 Florida Statutes. The County proposes that this meeting be held at Alachua City Hall, 15100 NW 142nd Terrace, Alachua, Florida, on Wednesday, September 12th from 2 to 5 PM. However, if this date and time is not feasible, the County will work with the City to coordinate a time within the statutory timeframe that all appropriate persons may attend.

Sincerely,

Lee Pinkoson, Chair
Alachua County Commission
chr18.118
LP/CH/mvl

Enclosures:

Resolution of the Board of County Commissioners Initiating the Governmental Conflict Resolution Process Pursuant to Chapter 164, Florida Statutes

cc: City of Gainesville Mayor and Commissioners
City of Gainesville City Manager Anthony Lyons

ec: Alachua County Board of County Commissioners
City of Alachua Mayor and Commissioners
Michele L. Lieberman, Interim County Manager
Sylvia Torres, Interim County Attorney

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION 2018-57

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ADOPTED PURSUANT TO SECTIONS 164.1052 AND 171.081, FLORIDA STATUTES, DECLARING THE INTENT OF THE ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF ALACHUA, FLORIDA, AS IT RELATES TO THE ANNEXATION OF UNINCORPORATED PROPERTY INTO THE CITY, WHICH ANNEXATION DOES NOT MEET THE REQUIREMENTS OF CHAPTER 171, FLORIDA STATUTES; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF ALACHUA, FLORIDA, AS IT RELATES TO THE MATERIAL INJURY SUFFERED BY THE COUNTY BY REASON OF THE CITY'S FAILURE TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 171, FLORIDA STATUTES; INITIATING THE PROCEDURES OF THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT; DIRECTING THE COUNTY MANAGER AND COUNTY ATTORNEY TO ADHERE TO THE PROCEDURAL REQUIREMENTS AND REMEDIES AS OUTLINED IN CHAPTER 164, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

Whereas, on July 23, 2018, the City of Alachua, Florida, adopted Ordinance Number 18-15 on second reading, annexing approximately 148.24 acres of unincorporated property into the City of Alachua; and,

WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, sets forth criteria and procedures for adjusting the boundaries of municipalities through annexation or contraction, as well as the procedures for appealing annexation or contraction decisions; and,

WHEREAS, Section 171.081, Florida Statutes, provides that a government agency that

Governmental Conflict Resolution Act, Chapter 164, Florida Statutes, prior to filing a petition in the circuit court seeking certiorari review; and,

WHEREAS, the Florida Governmental Conflict Resolution Act provides that the purpose and intent of that Act is to promote, protect, and improve the public health, safety, and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental 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, it is the intent of the Florida Legislature that conflicts between governmental entities be resolved to the greatest extent possible without litigation; and,

WHEREAS, Section 164.1052, Florida Statutes, provides that in order for a governing body of a governmental entity to initiate the conflict resolution procedures provided by this Act it shall first adopt a resolution by its members; and,

WHEREAS, said resolution is required to state that it is the intention of the governing body initiating the conflict resolution procedures to resolve the conflict; and,

WHEREAS, said resolution is required to specify the issues of conflict, as well as the governmental entity or entities with which the governing body has a conflict; and,

WHEREAS, Section 164.1041, Florida Statutes, provides that all governmental entities are encouraged to use the procedures in this act to resolve conflicts that may occur at any time between governmental entities, but shall use these procedures before court proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. The Board of County Commissioners of Alachua County intends to initiate the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act, prior to prosecuting a court proceeding, through the adoption of this Resolution.

2. The conflict is between the government and Board of County Commissioners of Alachua County and the government and City Commission of the City of Alachua.

3. On July 23, 2018, the City of Alachua Commission adopted Ordinance Number 18-15, annexing approximately 148.24 acres of unincorporated property into the City of Alachua.

4. Alachua County contends that, in addition to that which may be pled or further described in court proceedings, the following are issues of conflict between Alachua County and the City of Alachua:

a. That the City of Alachua Ordinance 18-15, which annexes approximately 148.24 acres of unincorporated property into the City of Alachua, does not meet the requirements for annexation found in Chapter 171, Florida Statutes, in that the land annexed into the City of Alachua is not reasonably compact, as required by general law, and as that term is defined in Section 171.031(12), Florida Statutes.

b. The County will suffer material injury by reason of the City's failure to comply with the requirements of Chapter 171, Florida Statutes, because the County will lose current and future tax revenue, and the annexation will create continuing interjurisdictional conflicts related to planning and growth management and inefficiencies related to service delivery.

5. It is the intent of Alachua County, to the greatest extent possible, to resolve this dispute without litigation.

6. Pursuant to Section 171.081, Florida Statutes, Alachua County hereby initiates the procedures of the Florida Governmental Conflict Resolution Act. Following the completion of the

procedures of the Florida Governmental Conflict Resolution Act, Alachua County may file a petition in the circuit court seeking review by certiorari, pursuant to Section 171.081, Florida Statutes.

7. The Board of County Commissioners of Alachua County directs the County Manager and County Attorney to adhere to the procedural requirements and remedies as outlined in the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes.

8. Effective Date. This resolution shall take effect immediately upon adoption.

DULY ADOPTED in regular session, this 14th day of August, 2018.

BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA

By: _____
Lee Pinkoson, Chair

ATTEST:

_____
Jesse K. Irby, II, Clerk

(SEAL)

APPROVED AS TO FORM

_____
Alachua County Attorney's Office

J. K. "Jess" Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of document of record in this office, which may have been redacted as required by law. Witness my hand and seal on August 17, 2018.
J. K. "Jess" Irby, Clerk of the Circuit Court
By _____
Deputy Clerk