



Alachua County Board of County Commissioners

Lee Pinkoson, *Chair*
Charles S. Chestnut, *Vice Chair*
Mike Byerly
Ken Cornell
Robert Hutchinson

Administration
Michele L. Lieberman,
County Manager

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:

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.

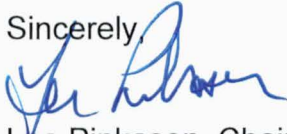
The Alachua County Board of County Commissioners finds that a conflict exists between the County and the City of Alachua as it relates to the City's adoption on July 23, 2018 of Ordinance 18-15, annexing approximately 148.24 acres of unincorporated land into the City of Alachua. The Board of County Commissioners 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

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

1
2 ALACHUA COUNTY
3 BOARD OF COUNTY COMMISSIONERS
4
5

6 **RESOLUTION 2018-57**
7

8 A RESOLUTION OF THE BOARD OF COUNTY
9 COMMISSIONERS OF ALACHUA COUNTY, FLORIDA,
10 ADOPTED PURSUANT TO SECTIONS 164.1052 AND 171.081,
11 FLORIDA STATUTES, DECLARING THE INTENT OF THE
12 ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
13 TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET
14 FORTH IN CHAPTER 164, FLORIDA STATUTES; FINDING
15 THAT A CONFLICT EXISTS WITH THE CITY OF ALACHUA,
16 FLORIDA, AS IT RELATES TO THE ANNEXATION OF
17 UNINCORPORATED PROPERTY INTO THE CITY, WHICH
18 ANNEXATION DOES NOT MEET THE REQUIREMENTS OF
19 CHAPTER 171, FLORIDA STATUTES; FINDING THAT A
20 CONFLICT EXISTS WITH THE CITY OF ALACHUA, FLORIDA,
21 AS IT RELATES TO THE MATERIAL INJURY SUFFERED BY
22 THE COUNTY BY REASON OF THE CITY'S FAILURE TO
23 COMPLY WITH THE REQUIREMENTS OF CHAPTER 171,
24 FLORIDA STATUTES; INITIATING THE PROCEDURES OF THE
25 FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT;
26 DIRECTING THE COUNTY MANAGER AND COUNTY
27 ATTORNEY TO ADHERE TO THE PROCEDURAL
28 REQUIREMENTS AND REMEDIES AS OUTLINED IN CHAPTER
29 164, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.
30
31

32 Whereas, on July 23, 2018, the City of Alachua, Florida, adopted Ordinance Number 18-
33 15 on second reading, annexing approximately 148.24 acres of unincorporated property into the
34 City of Alachua; and,

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

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

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

42 WHEREAS, the Florida Governmental Conflict Resolution Act provides that the purpose
43 and intent of that Act is to promote, protect, and improve the public health, safety, and welfare and
44 to enhance intergovernmental coordination efforts by the creation of a governmental conflict
45 resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method
46 for resolution of conflicts between and among local and regional governmental entities; and,

47 WHEREAS, it is the intent of the Florida Legislature that conflicts between governmental
48 entities be resolved to the greatest extent possible without litigation; and,

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

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

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

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

59

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

62

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

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

68 3. On July 23, 2018, the City of Alachua Commission adopted Ordinance Number 18-
69 15, annexing approximately 148.24 acres of unincorporated property into the City of Alachua.

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

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

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

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

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

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

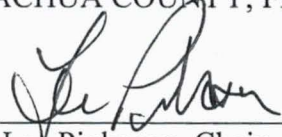
89 7. The Board of County Commissioners of Alachua County directs the County
90 Manager and County Attorney to adhere to the procedural requirements and remedies as outlined
91 in the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes.

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

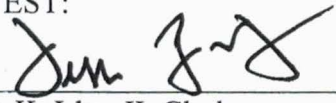
93 DULY ADOPTED in regular session, this 14th day of August, 2018.

94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112

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,
County, Florida, certifies this is a true copy of
document of record in this office, which may ha
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

Handwritten text, likely bleed-through from the reverse side of the page. The text is faint and difficult to decipher but appears to contain several lines of cursive script.

