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Title: City of Newberry Annexations: Update on Conflict Resolution Process

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Attachments: 1. Presentation_NewberryAnnexation_December 8 2020.pdf, 2. Outline of Key Issues by County Staff with City Staff Response 10-26-2020.pdf, 3. Map_Newberry Draft Annexation Boundary_County Proposed.pdf, 4. Draft JPA with County and City Staff Comments_9-14-2020.pdf

Date	Ver.	Action By	Action	Result
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Agenda Item Name:

City of Newberry Annexations: Update on Conflict Resolution Process

Presenter:

Ben Chumley, Senior Planner, Growth Management

Description:

Staff will provide the Board of County Commissioners with a status update on the governmental conflict resolution process with the City of Newberry concerning several annexations that were adopted by the Newberry City Commission in April and June, and explain the next steps in the process. This is an informational presentation and no action is required by the Board at this time.

Recommended Action:

Receive presentation from staff.

Prior Board Motions:

May 12, 2020: The Board voted to adopt the resolution initiating the governmental conflict resolution process as provided in Chapter 164 Florida Statutes with the City of Newberry regarding annexation Ordinances 2020-04, 2020-06, 2020-09, and 2020-10.

June 23, 2020: The Board voted to adopt the resolution initiating the governmental conflict resolution process as provided in Chapter 164 Florida Statutes with the City of Newberry regarding annexation Ordinance 2020-13.

Fiscal Consideration:

N/A

Background:

On April 27, 2020, the Newberry City Commission adopted ordinances annexing eleven areas into the City. In County staff's opinion, four of these annexed areas did not meet all of the statutory requirements for annexation under Chapter 171, F.S. On May 12, 2020, the Board of County Commissioners considered these annexations and voted to initiate an appeal process on City annexation ordinances 2020-04, 2020-06, 2020-09, and 2020-10.

On June 8, 2020, the Newberry City Commission adopted ordinances annexing two additional areas into the City. In County staff's opinion, one of these two annexed areas (Ord. 2020-13) did not meet all of the statutory requirements for annexation under Chapter 171, F.S. On June 23, 2020, the Board of County Commissioners considered these annexations and voted to initiate an appeal process on City annexation ordinance 2020-13.

The first step in the annexation appeal process when initiated by a local government is to proceed through the conflict resolution procedures of Chapter 164, Florida Statutes ("Florida Governmental Conflict Resolution Act").

Over the past several months, the County and City of Newberry have participated in the Chapter 164 conflict resolution process in an attempt to resolve issues associated with these annexations. The County and City Managers, legal counsel, and staff participated in nine conflict assessment meetings between June 18th and November 19th (this includes multiple continuations of one meeting). During the course of those meetings, the County and City worked toward the development of a joint planning interlocal agreement to address the issues associated with the five specific annexations that are under dispute, as well as broader annexation and service delivery issues at a citywide level. The key issues that were identified and discussed in the conflict assessment meetings include the need for an overall annexation strategy for the City, plans for annexation within the areas immediately surrounding the disputed annexations (so called "Joint Planning Areas"), jurisdictional responsibilities for road maintenance, solid waste collection services, and fire services.

While there was agreement by both parties on certain aspects of key issues, there were critical issues from the County's perspective where the County and City staffs could not reach agreement. The most critical of the areas of disagreement from the County's perspective had to do with the delineation of an outer boundary for future annexation by the City. Given the lack of agreement on key issues, at the November 19th conflict assessment meeting, it was concluded that the parties had reached an impasse in the negotiations.

Section 164.1053, F.S. provides that, in the event that no tentative resolution can be agreed upon by the parties through the conflict assessment process, then the primary conflicting governmental entities shall schedule a joint public meeting as described in Section 164.1055, F.S. Then, if no agreement is reached through the joint public meeting process, the primary conflicting governmental entities shall participate in mediation, the costs of which shall be equally divided between the primary conflicting governmental entities.

Upon conclusion of the Chapter 164 conflict resolution process without a mutually-acceptable resolution, the challenging government entity may file a petition in circuit court for certiorari review.