



Legislation Text

File #: 21-0111, **Version:** 1

Agenda Item Name:

Chapter 164, Florida Statutes, Conflict Resolution Joint Meeting - City of Newberry Annexations

Presenter:

Multiple presenters. Agenda item prepared by Ben Chumley, Senior Planner, Growth Management Department.

Description:

This is a joint meeting of the Alachua County Commission and Newberry City Commission as required pursuant to the Florida Governmental Conflict Resolution procedures of Chapter 164, Florida Statutes. The purpose of this meeting is for the County Commission and the Newberry City Commission to discuss the conflict between Alachua County and the City of Newberry regarding the City's annexation of five specific areas into the City.

According to Chapter 164.1055(1), "In this meeting, the governing bodies of the primary conflicting government entities shall: (a) Consider the statement of issues prepared in the conflict assessment phase; (b) seek an agreement; (c) schedule additional meetings of the entities in conflict, or of their designees, to continue to seek resolution of the conflict." County staff has provided the attached summary of issues with relevant maps for reference.

Recommended Action:

Consider the issues of conflict associated with the City's five annexations and provide direction to staff. Possible options include:

- (1) Direct staff to schedule additional joint meetings of the two governing Boards for purpose of seeking resolution of the conflict.
- (2) Direct County and City staffs to continue to seek resolution of the conflict through additional conflict assessment meetings.
- (3) Proceed to mediation phase as required by Chapter 164.

Prior Board Motions:

May 12, 2020: The Board voted to adopt the resolution initiating the governmental conflict resolution process with the City of Newberry as provided in Chapter 164 Florida Statutes 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 with the City of Newberry as provided in Chapter 164 Florida Statutes regarding annexation Ordinance 2020-13.

Fiscal Consideration:

The next step in the Chapter 164 conflict resolution process is for the parties to participate in mediation. If or when the parties agree to proceed to the mediation phase, there would be costs to the County for employing the services of a mediator. Section 164.1055(2), Florida Statutes, provides that the costs of mediation shall be equally divided between the primary conflicting governmental entities.

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 plan for the City including an outer boundary for future annexation to encourage infill annexation of unincorporated enclaves and pockets that are internal to the City; no objection by the County to future annexation within so-called "joint planning areas" immediately surrounding the disputed annexations; jurisdictional responsibilities for road maintenance; solid waste collection efficiency; and fire services.

While there was agreement by both parties on certain aspects of key issues, including issues relating to solid waste collection and fire services, 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 this key issue, at the November 19th conflict assessment meeting, it was concluded that the parties had reached an impasse in the initial phase of 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 then file a petition in circuit court for certiorari review.