



Commission Agenda Item

MEETING DATE: September 9, 2013

SUBJECT: Boundary Adjustment Act

AGENDA SECTION: Agenda

DEPARTMENT: Planning & Community Development

PREPARED BY: Kathy Winburn, AICP, Planning & Community Development Director

RECOMMENDED ACTION: Support the Repeal of the Boundary Adjustment

Summary

In 2008, the County-wide Visioning and Planning Committee reconvened, and created a Boundary Adjustment Act Task Force to review the Boundary Adjustment Act and propose recommended changes. The changes became House Bill-1039. At the State level this bill did not receive support from the Economic Development and Community Affairs Policy Council, reportedly due to resistance of two municipalities, Micanopy and La Crosse. The amendments sought to reduce the processing time for annexations, streamline the urban reserve area update process, provide a mechanism to eliminate enclaves that is not available under General Law, provide flexibility related to the requirements for urban services reports for smaller annexations, and to simplify the approval process for urban services reports as opposed to the adoption of an ordinance. Many of the changes proposed were also to mirror State Law.

Some municipalities feel that the BAA has been used against county municipalities not participating in MSTU's by limiting additions in the urban reserve area, etc. In 2007, Micanopy presented a resolution to the Alachua County Delegation supporting repeal of the entire BAA. Prior to the Boundary Adjustment Task Force being established, the cities of Alachua, Hawthorne, LaCrosse and Micanopy requested repeal of the BAA. However, as a result of collaboration in developing amendments to the BAA, 5 of the 9 municipalities (Alachua, Archer, Gainesville, Newberry and Waldo) adopted resolutions of support for introducing HB 1039.

The current BAA states that: once "the reserve area designation....of a municipality becomes effective, this act shall become the sole method of annexation or contraction for that municipality."

Comparison: BAA and Florida Statutes

The BAA establishes a specific method of annexation. The criteria and procedures established in the BAA are generally stricter than those provided in State Law. The BAA adds a number of steps beyond State Law to processing an annexation, in particular related to the Urban Services Report. Under State Law, an USR is only required for a Referendum annexation, not for voluntary annexations.

One purpose of the BAA is to minimize boundary disputes between municipalities. The BAA provides for the resolution of disputes encountered in the establishment of reserve areas through binding arbitration or through a hearing before the Division of Administrative Hearings. State Law provides a dispute resolution mechanism per Chapter 164, *Florida Statutes*.

The BAA prescribes a method by which the County designates Urban Reserve Areas; State Law does not. However, Chapter 171 Part II Florida Statutes provides for *interlocal service boundary agreements*, which may address any issue concerning service delivery, fiscal responsibilities or boundary adjustment. Another alternative to USR's could be Joint Area Planning Agreements. The BAA does not allow for the possibility of joint area agreements governing Urban Reserve Areas.

An interlocal service boundary agreement adopted in accordance with State Law can be for a term of up to 20 years, and must include a provision requiring periodic review. Once an agreement is reached, the interlocal service boundary agreement is adopted by ordinance by the participating county and municipalities. The BAA requires the County and each municipality to review the reserve areas and accompanying statements every five (5) years. If changes are desired by the County or municipality, such changes may be implemented by that time. The provisions of the interlocal service boundary agreement (State Law) for periodic review may provide more flexibility to participating local governments.

Both the BAA and State Law permit municipalities and counties to exercise extraterritorial powers regarding the provision of urban services.

State Law has been amended to allow the annexation of enclaves of less than 10 acres through an interlocal agreement between the City and County. The BAA does not include such a provision.

The City Commission held a workshop on August 26, 2013 and discussed the Boundary Adjustment Act.

ATTACHMENTS: None

REVIEWED BY CITY MANAGER:

