

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners

From: Herbert W. A. Thiele, Esq. 
County Attorney

Date: May 31, 2011

Subject: Information Concerning Welaunee Toe Annexation

At the Board of County Commissioners meeting of Tuesday, May 24, 2011, there was some discussion and possible confusion with regard to the Welaunee Annexation, the County's objection to same, and the procedures to be followed when such an objection is raised.

We have attached hereto a copy of Policy 2.1.4 of the Intergovernmental Coordination Element of the Comprehensive Plan for your further information.

While it is clear in the policy that if the County objects to any particular annexation, there will first be a discussion by the Mayor and the Chair; but the Comp Plan policy is silent as to the impact of any agreement by the Mayor and the Chair on the annexation objection. That is, it does not state with clarity as to whether or not that agreement resolves the matter without any further action by the Board of County Commissioners, or whether subsequent action or ratification is required by the Board. We believe that, at some point, the Board of County Commissioners will need to clarify that issue and perhaps an amendment to this policy in the Comprehensive Plan needs to be made.

In the interim, the Board of County Commissioners has requested that this matter be placed on your next agenda (June 14, 2011), and the County Attorney's Office will be preparing an agenda request for that purpose. However, in the interim, please note that, as set forth in the correspondence from Mayor John Marks dated May 13, 2011, it would appear that the City has committed to resolve the Chapter 171 enclave issue by a subsequent de-annexation (contraction) to correct that issue. We have been in touch with the City Attorney's Office and we had been informed that this City ordinance is in process now and should be on the agenda for the City Commission to consider at their meetings in June as well.

Should you have any questions or need further information in the meantime, please contact the County Attorney's Office.

HWAT:eal

Attachments

cc: Parvez Alam, County Administrator
Vincent Long, Deputy County Administrator
Wayne Tedder, Director, Tallahassee-Leon County Planning Department

Policy 2.1.2: [I] (Effective 7/16/90)

Leon County will support the City's annexation efforts in the Urban Services Area.

Policy 2.1.3: [I]

The City shall maintain a map of annexation study areas. The annexation study areas map shall be amended at least biennially to add additional areas which qualify for annexation. The City shall provide the County with a copy of the amended annexation study area maps after each amendment.

Policy 2.1.4: [I]

Annexation by the City of Tallahassee shall be in accordance with the requirements of Chapter 171, Florida Statutes. Prior to the passage of any ordinance for annexation, the City shall prepare and have available for public inspection a plan setting forth the schedule for the delivery of City provided urban services to the property subject to annexation and shall include:

- a. How land use compatibility will be insured;
- b. How facilities will be provided, and by which entity;
- c. How level of service standards will be made consistent with this plan;
- d. For voluntary annexation, the amount of any agreed upon water and/or sewer rebate that will be due to the petitioner.

When the City receives a request or petition for voluntary annexation, it will provide notice of the request or petition, together with the parcel number(s), for official review and comment, as well as ownership information from the County's online data furnished by the County Property Appraiser, to the relevant City departments; and, at the same time, send a copy of the notice to the County Administrator. The plan for each annexation shall be provided by the City Manager to the County Administrator, the County's Growth Management Direction and the County Attorney at the time that it is provided to the City Commission, but no less than six (6) days before the first reading of the ordinance. The Board of County Commissioners shall have the opportunity to review, comment, and suggest changes regarding the proposed annexation prior to the adoption of the annexation ordinance(s) by the City Commission, but such comments must be received by the City Manager prior to the public hearing on the annexation ordinance(s) related to the plan. In the event that the County Commission objects to the annexation, the Mayor and the Chairman of the Board of County Commissioners shall confer in a publicly noticed meeting and fully discuss the areas of concern expressed by the County. The City shall delay the annexation process for a period not to exceed 30 days for the purpose of holding the joint meeting with the County. In the event the County continues to object to the proposed annexation following the joint meeting with the City, the City and County agreed to submit the dispute to a mutually acceptable mediator. Expense of the mediation shall be equally divided between the City and County. The City shall delay the annexation process for a period not to exceed 60 days for the purpose of conducting the mediation proceedings.