

## **ORDINANCE NO. 2022-01**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AUTHORIZING THE CITY OF GREENACRES TO EXECUTE AN INTERLOCAL SERVICE BOUNDARY AND JOINT PLANNING AGREEMENT BETWEEN THE CITY OF GREENACRES AND PALM BEACH COUNTY TO COORDINATE FUTURE LAND USE, PUBLIC FACILITIES AND SERVICES IN ADVANCE OF ANNEXATION, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE**

**WHEREAS**, Section 163.01, F.S., known as the “Florida Interlocal Cooperation Act of 1969,” authorizes local governments and public agencies to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

**WHEREAS**, the Municipal Annexation or Contraction Act, Chapter 171, Part I, F.S., and the Interlocal Service Boundary Agreement Act, Chapter 171, Part II, F.S., recognizes the use of Interlocal Service Boundary Agreements as a means to coordinate future land use, public facilities and services, and protection of natural resources in advance of annexation; and

**WHEREAS**, Chapter 171, Part II, F.S., as amended, establishes the Interlocal Service Boundary Agreement process as a flexible, joint planning option for counties and municipalities to cooperatively adjust municipal boundaries while planning for service delivery and land use changes; and

**WHEREAS**, the City and the County wish to identify lands that are logical candidates for future annexations, the appropriate land uses and infrastructure needs and provider for such lands and to agree on certain procedures for the timely review and processing of annexations within those areas; to provide alternate annexation methodologies; and

**WHEREAS**, in order to eliminate intergovernmental disputes and better implement the City’s land use vision, the Interlocal Service Boundary Agreement contains the City’s advisory

future land use designations for all lands subject to the Agreement and requires Palm Beach County to give consideration to these designations when making any future land use or zoning changes prior to annexation of the subject properties into the City; and

**WHEREAS**, written notice of the City Council public hearing has been provided to all property owners within the boundaries of the proposed Interlocal Service Boundary Agreement; and

**WHEREAS**, the City Council has held a duly advertised public hearing on July 18, 2022, to receive comments concerning the proposed Interlocal Service Boundary Agreement and has considered all comments received as required by state law and local ordinance; and

**WHEREAS**, the area described in Exhibit “A” is within the future annexation area of the City of Greenacres as set forth in the Annexation Element of the City’s Comprehensive Plan and the service delivery plans and annexation plan contained within the Interlocal Service Boundary Agreement are consistent with the City’s Comprehensive Plan; and

**WHEREAS**, the County required a Contract for establishing a timeline for the County to provide Fire Rescue services for up to five (5) years after annexation of a parcel within the Interlocal Service Boundary Agreement area which has been attached as Exhibit “C” to the Interlocal Service Boundary Agreement; and

**WHEREAS**, the City Council of the City of Greenacres deems it to be in the best interest of the City to execute the Interlocal Service Boundary Agreement with Palm Beach County, attached hereto as Attachment “1”, for the area described in Exhibit “A” attached thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The City Council hereby grants authorization for the execution of the Interlocal Service Boundary Agreement attached hereto as Attachment “1”.

**SECTION 2.** The appropriate City officials are hereby authorized to execute all necessary documents and take all necessary actions to effectuate the terms of the Agreement

**SECTION 3. Repeal of Conflicting Ordinances.**

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 4. Severability.**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**SECTION 5. Effective Date.**

The provisions of this Ordinance shall become effective in accordance with section 171.203(14), Florida Statutes.

Passed on the first reading this 18<sup>th</sup> day of July, 2022.

PASSED AND ADOPTED on the second reading this 1<sup>st</sup> day of August, 2022.

Voted:

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**Joel Flores**, Mayor

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**John Tharp**, Deputy Mayor

Attest:

Voted:

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**Quintella Moorer**, City Clerk

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**Peter Noble**, Council Member, *District II*

Voted:

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**Judith Dugo**, Council Member, *District III*

Voted:

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**Susy Diaz**, Council Member, *District IV*

Voted:

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**Paula Bousquet**, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

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**Glen J. Torcivia**, City Attorney