

TAB 12

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: 1/21/04

Agenda Item No. 13

- | | |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input type="checkbox"/> Ordinance on Second Reading | |
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Florida League of Cities Resolution

RECOMMENDED MOTION/ACTION: Staff is requesting direction from the Commission as to whether the attached Resolution should be adopted "in toto" or as separate Resolutions and placed on the agenda for consideration at the February 4, 2004 Commission meeting.

Approved by Town Manager *J. Douglas* Date: 1/14/2004


Originating Department: Administration	Costs: \$ Funding Source: Acct. #	Attachments: Florida League of Cities Resolution, and Staff Memorandum
Department Review: <input checked="" type="checkbox"/> Town Attorney <i>JDB</i> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager <i>J.D.</i>
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

See attached staff memo.

MEMO

To: Mayor and Town Commissioners

From: J. Douglas Drymon 
Town Manager

Subject: Florida League of Cities Resolution

Date: January 13, 2004

Palm Springs Vice Mayor and Palm Beach County League of Cities President Bev Smith has provided us with the attached resolution which the Village of Palm Springs has adopted at the request of the Florida League of Cities. The purpose of the resolution is to support certain statewide municipal issues during the 2004 session of the Florida Legislature. The attached resolution, which the Florida League of Cities is requesting all municipalities to adopt, provides as follows:

1. Section 1 of the attached resolution preserves the authority of individual local governments to determine and implement specific water conservation measures as may be required under a water use permit, and which also preserves a local government's control over reclaimed water that is created by that agency;
2. Section 2 of the attached resolution allows for municipalities to contract for the services of public defenders and state attorney to enforce local ordinances (HB113A requires a filing fee of \$200 for each code or ordinance violation); eliminates the fee schedules associated with the enforcement of municipal code ordinance violations; and provides a modification of the distribution formula for revenues transferred from the Half-Cent Sales Tax Program to the Revenue Sharing Trust Fund for Municipalities; and
3. Section 3 of the attached resolution strengthens the ability of municipalities to eliminate all enclaves regardless of size or use, and provides reasonable procedures to expeditiously annex areas that are contiguous to their boundaries.

The Florida League of Cities has requested that this resolution (or portions of it) be adopted and distributed to the Governor, the President of the Florida Senate, and the Speaker of the Florida House of Representatives, as well as to our district representatives in the Florida House and the Florida Senate by Friday, February 6, 2004.

The purpose of this memo is to determine if it is the desire of the Commission to either adopt *in toto* or break out the above provisions into separate resolutions and to place such resolutions on the agenda for consideration at the February 4, 2004 Commission meeting.

Attachment

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING MUNICIPAL ISSUES DURING THE 2004 LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, legislation passed (HB 113A) during the 2003 Special Session "A" that is the implementation of Article V, a 1998 constitutional amendment, that requires the state to fund the county court system; and

WHEREAS, HB113A prohibits state attorneys from appearing in county courts for the purpose of prosecuting municipal ordinances; and

WHEREAS, the bill also prohibits a municipality from contracting with a state attorney for the prosecution of municipal ordinances, and public defenders will not be allowed to represent indigents charged with ordinance violations; and

WHEREAS, HB 113A requires a filing fee of \$200.00 for each code or ordinance violation; and

WHEREAS, several cities enforce code enforcement through a citation process, which are filed through the county court system; and

WHEREAS, many of the fines for those citations are less than half of the proposed \$200.00 filing fee, which would make the citation process ineffective for code enforcement activities; and

WHEREAS, the intent of the Municipal Revenue Sharing hold harmless provision in HB 113A was intended to not reduce any revenues currently shared with municipalities; and

WHEREAS, clean drinking water is a precious resource that must be adequately planned for to meet the needs of future growth in Florida; and

WHEREAS, cities are implementing several innovative methods to assure an adequate supply of drinking water is available for its citizens; and

WHEREAS, efforts were made during the 2003 legislative session to mandate that cities establish water conservation rate structures, impose drought rates, require submetering in apartment buildings or condos, mandate statewide irrigation standards, implement "informative billing", and meter reclaimed water; and

WHEREAS, municipalities would be negatively impacted by legislation mandating conservation measures on a "one size fits all" approach and many of the conservation measures being considered had no demonstrable conservation benefit but will be very expensive to implement; and

WHEREAS, the geographic emphasis and restrictive nature of Florida's current annexation policy has negatively impacted Florida's municipalities by inhibiting their economic vitality, creating inefficient service delivery and subsidizing urban sprawl; and

WHEREAS, the current law has actually made it more difficult for municipalities to provide municipal services in the urbanizing areas in comparison to counties and special districts; and

WHEREAS, Florida's tremendous population growth and inflexible annexation policies causes disruption in historical service delivery responsibilities and results in a continuous conflict and inefficiencies in the financing and delivery of many local public services.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. That the Town of Lake Park urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

Preserves the authority of individual local governments to determine and implement the specific water conservation measures required under a water use permit, and which preserves a local government's control over reclaimed water that is created by the local government.

Section 2. That the Town of Lake Park urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

Allows municipalities to contract for the services of public defenders and state attorneys to enforce local ordinances; and

Eliminates the fee schedules for the enforcement of municipal code or ordinance violations.

Provides a modification of the distribution formula for revenues transferred from the Half-Cent Sales Tax Program to the Revenue Sharing Trust Fund for Municipalities.

Section 3. That the Town of Lake Park urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

Strengthens the ability of municipalities to eliminate all enclaves regardless of size or use, and provides reasonable procedures to expeditiously annex areas that are contiguous to their boundaries.

Section 4. That a copy of this resolution shall be provided to Governor Jeb Bush, Senate President Jim King, House Speaker Johnnie Byrd and members of the Florida Legislature.

Section 5. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a roll call vote, the vote was as follows.

	AYE	NAY
MAYOR PAUL W. CASTRO	_____	_____
VICE-MAYOR G. CHUCK BALIUS	_____	_____
COMMISSIONER PAUL GARRETSON	_____	_____
COMMISSIONER BILL OTTERSON	_____	_____
COMMISSIONER JEANNINE LONGTIN	_____	_____

The Mayor thereupon declared the foregoing Resolution No. _____ duly passed and adopted this ____ day of _____, 2004.

TOWN OF LAKE PARK, FLORIDA

ATTEST

BY: _____
PAUL W. CASTRO
MAYOR

CAROL SIMPKINS
TOWN CLERK

Approved as to form and legal
sufficiency:

BY: _____
THOMAS J. BAIRD
TOWN ATTORNEY

(TOWN SEAL)