

# Annexation Transition Agreement

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# What is the ATA?



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**INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY AND THE CITY OF GAINESVILLE FOR THE TRANSITION OF SERVICES UPON AN ANNEXATION BY THE CITY OF GAINESVILLE WITHIN ITS MUNICIPAL RESERVE AREA**

This Interlocal Agreement (hereinafter referred to as the "Agreement"), is made and entered into this 13<sup>th</sup> day of March, 2007, by and between Alachua County, a charter county and political subdivision of the State of Florida, (hereinafter referred to as the "County"); and by the City of Gainesville, a municipal corporation (hereinafter referred to as the "City")

**WITNESSETH**

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY AND THE CITY OF GAINESVILLE FOR THE TRANSITION OF SERVICES UPON AN ANNEXATION BY THE CITY OF GAINESVILLE WITHIN ITS MUNICIPAL RESERVE AREA**

**THIS AMENDMENT** is entered into as of this 12<sup>th</sup> day of May, 2009, by and between Alachua County, a charter county and political subdivision of the State of Florida (hereinafter referred to as the "County"), and the City of Gainesville, a municipal corporation (hereinafter referred to as the "City").

**WHEREAS**, the COUNTY and the CITY have previously entered into an interlocal agreement dated March 13, 2007 for the transition of services upon an annexation by the CITY (hereinafter referred to as "the Agreement"); and

Interlocal Agreement between the County and City for transition of services upon an annexation by the City within its Municipal Reserve Area.

# Why was the ATA established?

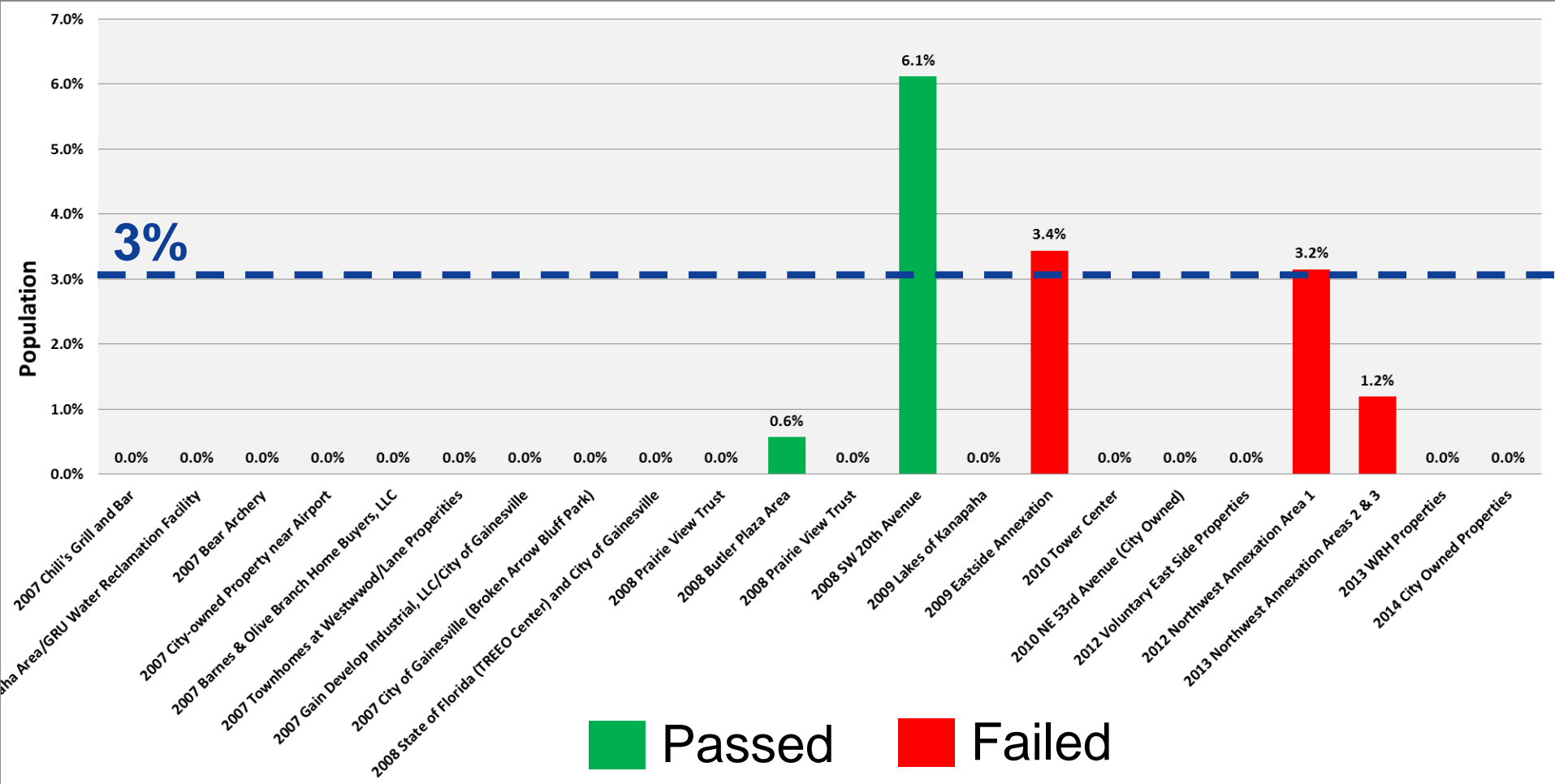


- To identify the fiscal and service delivery impact of annexations and how they may be mitigated.
- To provide a schedule for the City and County to identify appropriate areas and chart out a strategy for annexations.

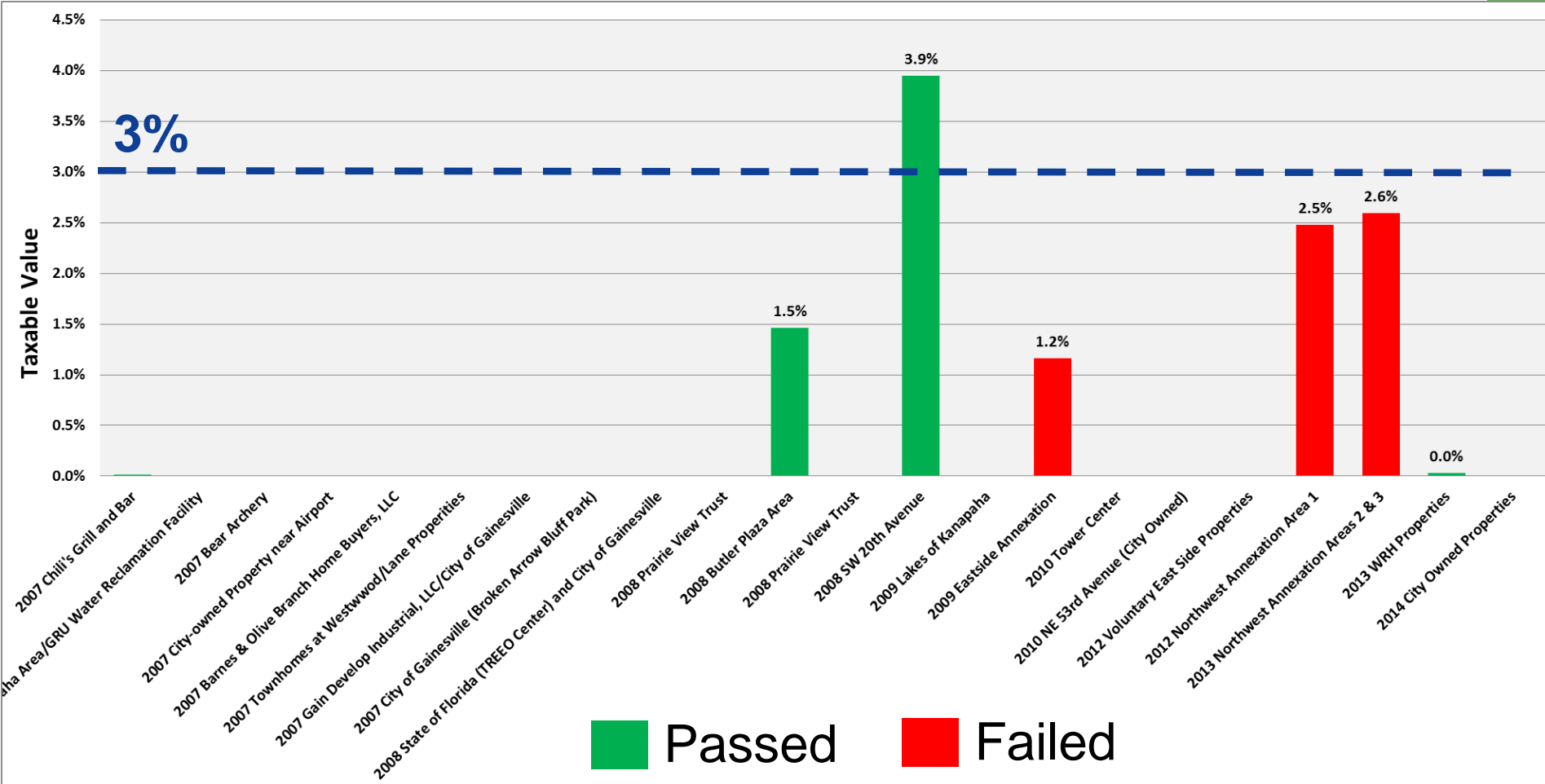
The Annexation Transition Agreement is triggered when an annexation results in:

- an unincorporated area population reduction greater than 3% or
- unincorporated area taxable property value reduction greater than 3%.

# History of Proposed Annexation Area Population as Percent of Unincorporated Area Population (2007 - 2014)



# History of Proposed Annexation Area Taxable Value as Percent of Unincorporated Area Taxable Value (2007 - 2014)



## Budget & Financial:

- City will provide notice 30 days prior to Urban Services Report Ordinance with map, demographic and financials.
- A major annexation shall become effective no sooner than 90 days following annexation approval.





## Building Permits:

- County will continue to process permits initiated prior to referendum date of annexation.
- Beginning the day after an approved annexation referendum, the City acts as the agent for issuance of building permits.



## Development Permits:

- Beginning on the effective date of an approved annexation, the County shall promptly transfer files together with prorated fee to the City to continue process to completion.
- City handles renewals after effective date of annexation as long as there has never been any action on that permit.



## Code Enforcement:

- Pending local ordinance violation cases, which have not received a Code Enforcement Hearing or adjudication, will be turned over to the City on the effective date of an annexation.
- The County will make its employees available as witnesses in such code enforcement actions.

## Land Use and Development Permits:

- The City agrees to enforce any lawful conditions imposed by the County in an annexation area.
- The County will make its employees available to provide assistance in enforcement action on cases originally prepared by County personnel.

## Land Use and Development Permits:

- The County will provide the City with the opportunity to review and comment on all development permit applications within the City's urban reserve area.
- Areas covered by a Development of Regional Impact (DRI) Order and not fully developed shall be annexed as a whole.



## **Roads Maintenance and Ownership:**

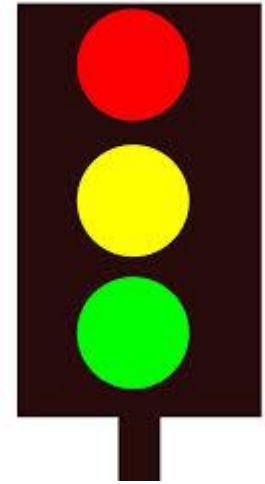
- The City will annex the entire right-of-way of appropriate County roads and drainage easements.
- Defers to Florida Statute to determine road ownership and maintenance responsibilities or allows for an Interlocal Agreement.

## Roads Maintenance and Ownership:

- The County will prepare the legal documents to effect the transfer of ownership of roads within 12 months of effective date of annexation.
- The City will reimburse the County for the cost of capital improvements constructed within 24 months prior to annexation if funded by revenue from unincorporated residents.

## Traffic Signals & Street Lights:

- The transfer of ownership and operation of traffic signals takes place at the beginning of the next fiscal year immediately following the effective date of annexation.





## Surface Water Management/NPDES:

- Maintenance and ownership responsibilities of drainage improvements shall be transferred within 12 months
- Any Interlocal agreements for NPDES activities shall be updated to reflect the percentage of system in each jurisdiction
- Provides for establishment of Interlocal agreement for watershed planning

## Parks, Open Space and Recreation Facilities:

- The City and County shall agree to the maintenance, operation and ownership responsibilities within 24 months of annexation.
- Both parties may determine that no change in management or ownership is desired.

## Solid Waste:

- The County will continue the residential solid waste collection through the end of the fiscal year following annexation.
- The City will assume the responsibilities at the beginning of the next fiscal year.



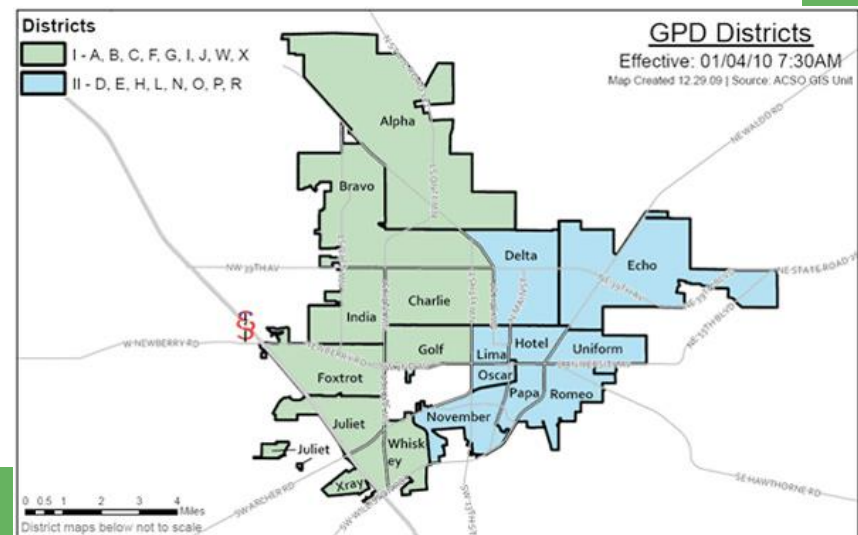


## Fire Rescue Services:

- In the event that a County fire rescue station is annexed by the City, the County may, at its discretion, continue to own and operate the station.
- Capital items assigned to the affected fire rescue station will remain County property.
- The City may negotiate to transfer and/or purchase the station.

## Public Safety/Police Protection:

- Upon the effective date of annexation, the City's Police Department will determine the necessary personnel, staff and/or police zone to serve the annexed area.





## Employment of Affected County Employees:

- The City will hire county employees when the position has been eliminated due to annexation and the city is hiring equivalent positions.
- The City will negotiate with the appropriate city unions to provide for this clause.

# Timing of Transition

## Immediately

- Police Services
- Building and Development Permits
- Code Enforcement

## Waiting Period

- Land Use and Zoning
- Roadway Maintenance & Ownership
- Surface Water Management/ NPDES
- Public Works Inspections
- Solid Waste

## Upon Negotiation

- Ownership & operation of Fire Rescue Facilities
- Ownership & operation of Parks & Recreation Facilities



## ■ Pros

- Provides for smooth transition of services for developers, businesses and residents

## ■ Cons

- Joint collaboration for successful annexations hasn't been the norm
- Little effect on mitigating or planning for fiscal impact
- Gainesville is the only city in Alachua County that has signed the ATA
- Unions and other formed PACs are not bound by the agreement
- Significant administrative work for an agreement that is rarely triggered



# Staff Recommendation



- Authorize the City Attorney to draft and the Mayor to sign a 12 month extension of the Annexation Transition Agreement and submit to the County for consideration.
- Direct the City Manager to enter into negotiations with the County for revisions to the Annexation Transition Agreement.
- Determine if the Mayor or a City Commissioner should be on the negotiation team.