

RESOLUTION NO. 121-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PAYMENT TO MCNAUGHTON IN THE AMOUNT OF \$18,720.00 FOR SERVICE OF NEW AND POPULAR LEASED BOOKS, OCTOBER 2003 THROUGH SEPTEMBER 2004; AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO MAKE PAYMENT FOR SAME FROM ACCOUNT NO. 001-1336-571-0-6601 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Riviera Beach Public Library wishes to lease new and popular books from the McNaughton Book Service, Williamsport, PA in the amount of \$18,720.00; and

WHEREAS, the Riviera Beach Public Library will receive the new and popular books October 2003 through September 2004; and

WHEREAS, the present lease agreement is continued for a period of twelve (12) months and renews itself each year unless cancelled by the Library and City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: That the payment to McNaughton Book Service in the amount of \$18,720.00 for new and popular leased books is hereby approved.

SECTION 2: That the Finance Director is authorized to make payment of \$18,720.00 from account number 001-1336-571-0-6601.

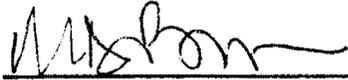
SECTION 3: That the City Council approves the continuance of the lease for the 2003-2004 budget year.

SECTION 4: This Resolution shall become effective upon its passage and approval by the City Council.

July 7, 2004

PAGE 2
RESOLUTION NO: 121-04

APPROVED:

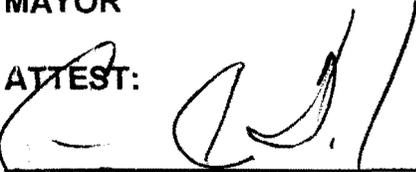


MICHAEL D. BROWN
MAYOR

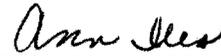


DAVID G. SCHNYER
CHAIRPERSON

ATTEST:



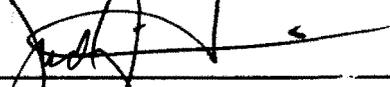
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO TEM



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

ABSENT

ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: J. DAVIS

D. SCHNYER: AYE

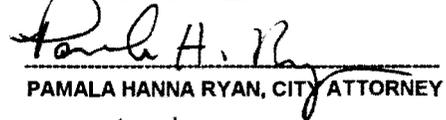
A. ILES: AYE

D. WILSON: AYE

J. DAVIS: AYE

E. WADE: ABSENT

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 6/30/04

RESOLUTION NO. 122-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH JACK MCLEAN OF THE LAW FIRM OF HOLLAND AND KNIGHT TO PROVIDE SERVICES AS THE CITY'S LABOR ATTORNEY AND TO PROVIDE OTHER LABOR RELATIONS SERVICES COMMENCING JULY 2004 – JULY 2005; PAYMENT MADE FROM ACCOUNT NUMBER 001 0512 5190 3101 IN THE AMOUNT OF \$13,500; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has a need for a labor attorney; and

WHEREAS, the City received proposals from three labor attorneys, and;

WHEREAS, the City Council accepted the proposal from Attorney Jack McLean, as the labor attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

SECTION 1. That the Mayor and City Clerk are authorized to execute an agreement with Jack McLean of the Law Firm of Holland and Knight, to provide services as the City's Labor Attorney and to provide other labor relations services.

SECTION 2. A copy of this agreement is made a part of and attached to this resolution.

SECTION 3. That the Finance Director is authorized to make payment from account #001-0512-5190-3103 in the amount of \$13,500.

SECTION 4. This Resolution shall take effect upon its passage and approval.

PASSED AND APPROVED this 7 day of July, 2004

RESOLUTION NO. 122-04

PAGE-2-

APPROVED:

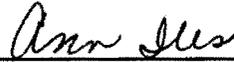


MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)

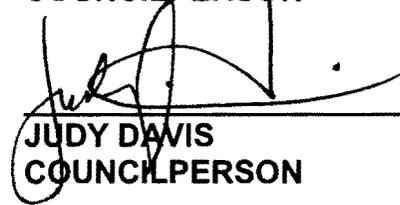


ANN ILES
CHAIRPERSON PRO TEM

ATTEST:



DONALD R. WILSON
COUNCILPERSON



JUDY DAVIS
COUNCILPERSON



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

ABSENT

ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: J. DAVIS

D. SCHNYER AYE

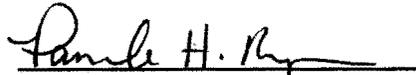
A. ILES AYE

D. WILSON AYE

J. DAVIS AYE

E. WADE ABSENT

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN
CITY ATTORNEY

DATE 7/2/04

AGREEMENT AND STANDARDS FOR LEGAL SERVICES

This agreement is entered into this 1st day of July, 2004, by and between the City of Riviera Beach, Florida, hereinafter referred to as "City," and Jack L. McLean, Jr. of the law firm Holland & Knight, LLP, hereinafter referred to as "Outside Counsel."

WHEREAS, the City is in need of a labor attorney to assist City staff in the negotiation of union contracts governing City employees; and

WHEREAS, the City Council selected Outside Counsel to assist with said negotiations and wishes to enter into this agreement to set forth the terms of said engagement.

NOW THEREFORE, in consideration of the mutual covenants and promises contained in this agreement, the parties hereto agree as follows:

SECTION 1. Services to be provided. Outside Counsel agrees to:

1. Provide advice to the City on contract negotiations which includes assisting in the preparation of language for proposed labor contract articles;;
2. Provide advice during contract negotiations;
3. Provide advice on legal issues that may impact upon the administration of the contract;
4. Review and analyze proposed articles presented by bargaining unions;
5. Draft the actual contract and/or provisions of the contract, once negotiated by the parties;
6. Provide on-site appearances before the City Council in executive session to discuss contract language/proposals; and
7. Serve as the City's labor attorney during any impasse hearings.

SECTION 2. Compensation for Services. The City agrees to compensate Outside Counsel for legal services performed on behalf of the City on a quarterly basis at the beginning of each quarter in the amount of \$3,375.00. The total compensation for the services shall be \$13,500.00. This amount includes all costs related to travel to attend three (3) closed executive sessions, any related telephone charges, and any related copying charges. In addition, Outside Counsel may provide arbitration and mediation representation at any hourly rate of \$190 to \$270 depending on the expertise and experience of the attorney handling the case for the City.

SECTION 3. Term of the Agreement; Modification. The term of this Agreement shall be one (1) year commencing on the date hereinabove set forth. In the event that a term needs to be modified or the agreement amended, the parties agree to

engage in discussions regarding the same at least thirty (30) days in advance of any anticipated alteration.

SECTION 4. Billing. All invoices must be submitted to the Department of Human Resources, which will review the same with the City Attorney's Office. When appropriate, invoices should be itemized to specifically and concisely identify each task performed and should reflect the actual time spent on each task, using 1/10 of an hour increments. The City does not accept grouping of activities or "block billing." Each task must be billed separately and, each billing entry must be sufficiently descriptive so the City Attorney's Office can determine exactly what professional service was provided and can assess the appropriateness of the related time charge. Additionally, the personnel who perform each task must be specified together with their hourly rate. Any other type of billing or timekeeping, which allows compensation for time not actually spent by Outside Counsel, is not permitted by the City.

SECTION 5. Costs and Expenses. Except as otherwise provided herein, in-house photocopying will be paid at a rate of ten cents per page. Each invoice shall specify the number of copies for which reimbursement is sought. The City will not pay for local facsimile transmissions. The use of couriers or express mail requires prior approval from the City Attorney's Office. Long distance telephone calls must state the number of calls, date, length of call, and per minute cost. Further, except as otherwise provided herein, any travel, per diem, mileage, or meal expenses, which may be reimbursable, must be approved in advance by the City Attorney's Office, and will be paid in accordance with the rates and conditions set forth in Section 112.061, Florida Statutes. The City shall not pay for local travel, including but not limited to, mileage, gas, tolls, meals and attorney's time for such local travel. For all disbursements, the City requires copies of paid receipts, invoices, or other documentation acceptable to the City of Riviera Beach Finance Department. Such documentation must be sufficient to establish that the expense was actually incurred and necessary in the performance of the legal services provided.

The City will not be responsible for the cost of any computerized legal research service that Outside Counsel receives on a fixed or "flat fee" basis. For payment of computerized research on a "per minute" basis, the City requires copies of transaction reports indicating the total time for each research session, the charge per minute, and a brief description of the issues researched. Any extensive research project (research in excess of three hours whether said research is performed during one session or over several sessions or which is likely to exceed \$300) must be discussed with and approved by the City Attorney in advance. Since assignments are made to firms which have been selected for their expertise in particular areas of law, the City will not pay for research that is routine in nature. The City will pay only for updating and shephardizing existing research and/or fact specific research.

SECTION 6. Attorney-Client Relationship and Confidentiality. Outside Counsel and the City agree and understand that all communication they have had, and

will have, relating to this engagement is communication undertaken in anticipation of litigation and/or within the scope of an attorney-client relationship. The confidentiality and trust demanded by this professional relationship is both required and protected by law. The City may rely on the privileges accorded this professional relationship in all matters in which Outside Counsel provides legal services. Furthermore, all written and oral information not in the public domain or not previously known, and all information and data obtained, developed, or supplied by the City or at its expense shall be kept confidential and shall not be disclosed to any other party, directly or indirectly, without the City's prior written consent unless required by a lawful order.

SECTION 7. Public Records. Please be advised that the City and all its activities, unless exempt, are subject to the Public Records Law (Chapter 119, Florida Statutes) and the Sunshine Law (Section 286.011, Florida Statutes). As such, Outside Counsel must observe and comply with the requirements of said laws and all related City policies and procedures.

SECTION 8. Professional Liability Insurance. Outside Counsel will maintain in full force and effect, during the life of this Agreement, Standard Professional Liability Insurance with limits not less than One Million Dollars (\$1,000,000.00) each occurrence with a maximum deductible of Fifty Thousand Dollars (\$50,000.00). Certificates of liability insurance, satisfactory to the City, shall be furnished to the City immediately upon commencement of any legal services, with complete copies of policies to be furnished upon the City's request. Such certificates of insurance will provide the City with thirty (30) days prior written notice of any cancellation or non-renewal.

SECTION 9. Conflicts of Interests. Outside Counsel shall represent to the City that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of legal services, as provided in the standards set forth in Part III of Chapter 112, Florida Statutes. Outside Counsel shall promptly notify the City Attorney's Office, in writing, of all potential conflicts of interests, which may influence or appear to influence Outside Counsel's judgment or quality of legal services. The notice shall identify the perspective business association, interest, or circumstance and the nature of work that Outside Counsel wants to undertake and shall request the City's opinion as to whether the association, interest, or circumstance would, in the opinion of the City, constitute a conflict of interest that is entered into by Outside Counsel. The City shall notify Outside Counsel of its opinion within thirty (30) days of receipt of notification by Outside Counsel. If, in the opinion of the City, the prospective business association, interests, or circumstance would not constitute a conflict of interest by Outside Counsel, the City shall so state in its opinion, and the association, interest or circumstance shall not be deemed to be a conflict of interest with respect to the legal services provided by Outside Counsel.

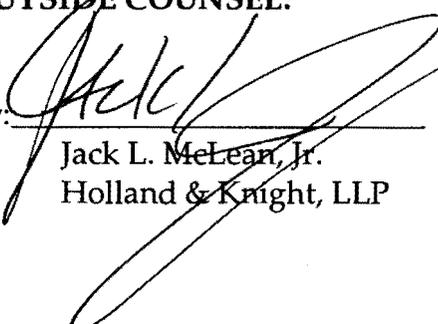
SECTION 10. Independent Contractor. Outside Counsel is, and shall be in the performance of all work, services, and activities for the City, an independent contractor, and not an employee, agent, or servant of the City. All persons engaged in any of the work or services performed pursuant to this engagement, shall at all times, and in all

places, be subject to Outside Counsel's sole discretion, supervision, and control. Outside Counsel shall exercise control of the means and manner in which it and its employees perform the work, and in all respects, Outside Counsel's relationship and the relationship of its employees to the City shall be that of an independent contractor and not as employees or agents of the City.

SECTION 11. Termination of Legal Services. The City has the right to terminate Outside Counsel's representation upon written notice to Outside Counsel, and said termination shall become effective upon receipt of said notice. Outside Counsel may terminate its representation upon written notice to the City, and said termination shall become effective upon receipt of said notice unless, however, termination by Outside Counsel would prejudice the City in any pending litigation. Upon termination by either party, Outside Counsel shall transfer all work in progress, completed work, and other materials related to the terminated work to the City Attorney's Office. Payment for services already rendered will be paid by the City on a pro-rata basis.

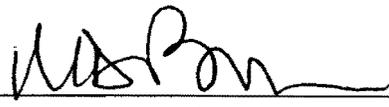
IN WITNESS WHEREOF, the parties hereto have fixed signatures of their authorized officers or partners, as appropriate, as the date and year first above written.

OUTSIDE COUNSEL:

By: 

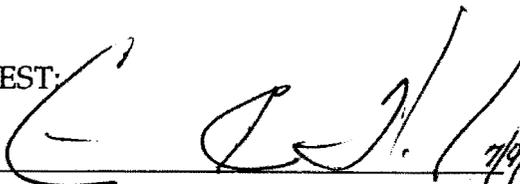
Jack L. McLean, Jr.
Holland & Knight, LLP

CITY OF RIVIERA BEACH

By: 

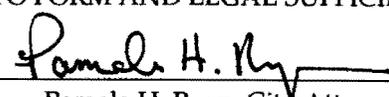
Michael D. Brown, Mayor

ATTEST:

By:  7/9/04

Carrie E. Ward, MMC
City Clerk

AS TO FORM AND LEGAL SUFFICIENCY:

By: 

Pamala H. Ryan, City Attorney

Date: 7/9/04

RESOLUTION NO. 123-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE OASIS SINGER ISLAND PLAT; AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach Code of Ordinances requires that all property be platted subsequent to site plan approval; and

WHEREAS, the applicant, Oasis Singer Island, Limited has prepared the plat of Oasis Singer Island which complies with the requirements of the State of Florida and the City; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. The Oasis Singer Island Plat is hereby approved.

Section 2. The Mayor and City Clerk are authorized to sign the said plat.

Section 3. The said plat shall be recorded with the Clerk of the Circuit Court of Palm Beach County.

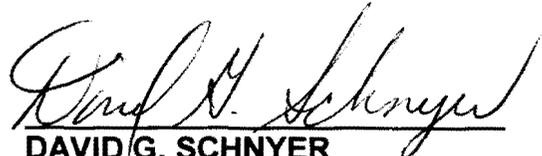
Section 4. The effective date of this Resolution shall be immediately upon its passage.

PASSED AND APPROVED this 7 day of July, 2004

APPROVED:



MICHAEL D. BROWN
MAYOR

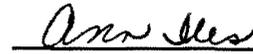


DAVID G. SCHNYER
CHAIRPERSON

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO-TEM



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

ABSENT

ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: J. DAVIS

D. SCHNYER: AYE

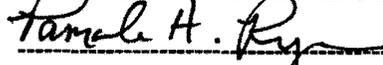
A. ILES: AYE

D. WILSON: AYE

J. DAVIS: AYE

E. WADE: ABSENT

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 6/28/07

RESOLUTION NO. 124-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA ACCEPTING FUNDS IN THE AMOUNT OF \$100,000.00 FROM THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION GRANT PROGRAM FOR TARGET COMMUNITY ACTION PLANNING; THE GRANT REQUIRES \$20,000.00 IN MATCHING FUNDS. TOTAL PROGRAM FUNDS ARE \$120,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF RIVIERA BEACH; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL PERSONNEL SERVICE AGREEMENTS; AUTHORIZING THE FINANCE DIRECTOR TO SET UP A BUDGET FOR SAME.

WHEREAS, the Florida Department of Juvenile Justice has a Juvenile Justice and Delinquency Prevention Grant Program for Target Community Action Planning; and

WHEREAS, the Juvenile Justice Delinquency Prevention Grant Program for Target Community Action Planning will fund agencies organized to reduce risk factors of juvenile offenders in the targeted area. The specific targeted area within Palm Beach County is 33404; and

WHEREAS, the City has applied for a grant from the Juvenile Justice and Delinquency Prevention Grant Program for Targeted Community Action Planning; and

WHEREAS, the City has been awarded grant funds in the amount of \$100,000.00 and requires matching funds in the amount of \$20,000.00. Total grant funds are \$120,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, THAT:

SECTION 1. The Mayor is authorized to execute the grant agreement on behalf of the City accepting funds in the amount of \$100,000.00 from the Florida Department of Juvenile Justice, Juvenile Justice and Delinquency Prevention Grant Program for Targeted Community Action Planning.

SECTION 2. The City Manager is authorized to execute all Personnel Service Agreements associated with the grant.

PAGE 2

SECTION 3. The Finance Director is authorized to transfer matching funds in the amount of \$20,000.00 from the General Fund Contingency account and set up a budget of \$120,000.00 for the Florida Department of Juvenile Justice, Juvenile Justice and Delinquency Prevention Grant Program and establish account numbers for same.

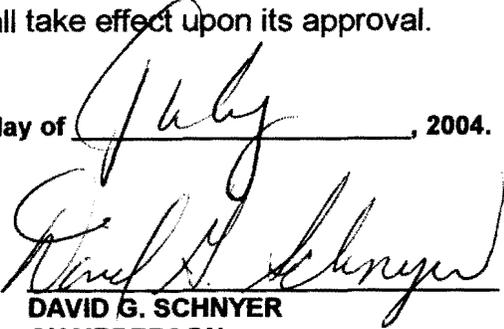
SECTION 4. This resolution shall take effect upon its approval.

PASSED AND APPROVED this 7 day of July, 2004.

APPROVED:



MICHAEL D. BROWN
MAYOR

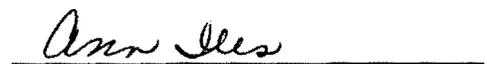


DAVID G. SCHNYER
CHAIRPERSON

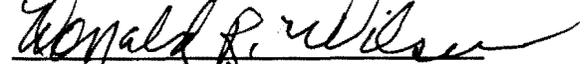
ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO TEM



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

ABSENT
ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: D. WILSON

SECONDED BY: J. DAVIS

D. SCHNYER: AYE

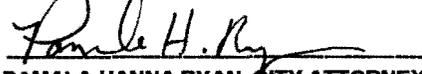
A. ILES: AYE

D. WILSON: AYE

J. DAVIS: AYE

E. WADE: ABSENT

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 7/2/04

RESOLUTION NO.: 125-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STAFF TO ISSUE AN INVITATION FOR BIDS FOR THE SALE OF 2.41 ACRES OF VACANT CITY OWNED COMMERCIAL REAL ESTATE LOCATED ON THE NORTH SIDE OF DR. MARTIN LUTHER KING BLV., WEST OF AVENUE "P" AND ESTABLISHING A MINIMUM SALES PRICE OF \$530,000; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Staff recommended the disposal and sale of certain surplus parcels of City owned land during the fiscal year 2003/2004 budget hearings; and

WHEREAS, the proceeds from the anticipated sale will be deposited in the City's General Fund.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, AS FOLLOWS:

SECTION 1. That the City Council of the City of Riviera Beach authorizes City Staff to issue and Invitation for Bids for the sale and disposal of 2.41 acres of city owned land located on the north side of Dr. Martin Luther King Blvd., west of Avenue "P".

SECTION 2. This Resolution shall take effect upon its passage and approval by the City Council.

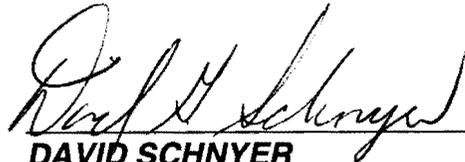
PASSED AND APPROVED this 7 day of July 2004

RESOLUTION NO. 125-04
PAGE 2.

APPROVED:



MICHAEL D. BROWN
MAYOR

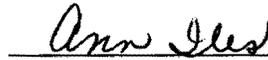


DAVID SCHNYER
CHAIRPERSON

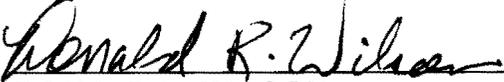
ATTEST:



GARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO TEM



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

absent

ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: D. Wilson

SECONDED BY: J. Davis

D. WILSON: aye

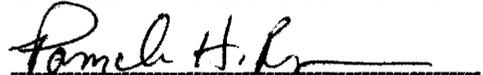
J. DAVIS: aye

E. WADE: absent

D. SCHNYER: aye

A ILES: aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 6/23/04

RESOLUTION NO. 126-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SITE PLAN APPLICATION FROM EFN INVESTMENTS LLC., FOR AN AUTO DEALERSHIP LOCATED ON THE SOUTH EAST CORNER OF INTERSTATE 95 AND BLUE HERON BOULEVARD WITH SPECIFIC CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 31-57, of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

WHEREAS, the Planning & Zoning Board met on June 10, 2004, to review the site plan application and made a recommendation to the City Council for approval of the Site Plan application from EFN Investments; and

WHEREAS, the City Council finds that the proposed site plan is consistent with the adopted City of Riviera Beach Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Site Plan (Exhibit A) for an auto dealership with the following conditions:

1. Construction must be initiated within 18 months of the effective date of this resolution in accordance with Section 31-60(a), of the City Code of Ordinances.
2. All future advertising must state that the development is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.
3. The developer shall provide the City with a \$100,000 dollar contribution to the Blue Heron Beautification fund within 180 days of the effective date of approval of the Site Plan final order Resolution.

SECTION 2. This Resolution shall act as the final order which is not required to be recorded in the public records of Palm Beach County.

SECTION 3. This Resolution shall take effect immediately upon approval.

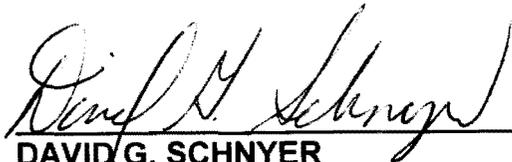
PASSED and APPROVED this 7 day of July, 2004.

RESOLUTION NO. 126-04
PAGE No. 2

APPROVED:



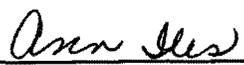
MICHAEL D. BROWN
MAYOR



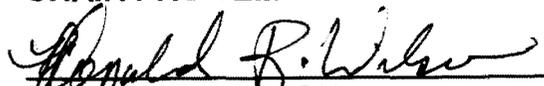
DAVID G. SCHNYER
CHAIRPERSON

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO TEM



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

absent

ELIZABETH "LIZ" WADE
COUNCILPERSON

MOTIONED BY: J. Davis

SECONDED BY: D. Wilson

D. SCHNYER: aye

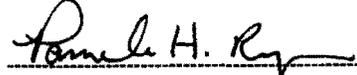
A. ILES: aye

D. WILSON: aye

J. DAVIS: aye

E. WADE: absent

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 6/28/04

RESOLUTION NO. 127-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA OPPOSING PALM BEACH COUNTY'S PROPOSED CHARTER AMENDMENT AND IMPLEMENTING ORDINANCE WHICH WOULD PREEMPT MUNICIPAL AUTHORITY TO VOLUNTARILY ANNEX REAL PROPERTY INTO MUNICIPAL BOUNDARIES; URGING THE BOARD OF COUNTY COMMISSIONERS NOT TO ADOPT SUCH ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Constitution grants to municipalities extensive home rule powers, which powers include the ability to annex property into the municipality, pursuant to the provisions of state statutes; and

WHEREAS, as part of its comprehensive planning process, the City of Riviera Beach adopted policies and maps which establish a future annexation area for the City which enables the City to adequately plan for the provision of municipal services in an orderly and efficient manner; and

WHEREAS, the Board of County Commissioners will consider a proposed charter amendment that would provide the Board the authority to regulate voluntary annexations by ordinance, which ordinance would provide mandatory procedures and requirements for voluntary annexation in Palm Beach County, including the delineation of future annexation boundaries for municipalities, creation of an unincorporated preservation area where voluntary annexation would be prohibited without approval by a super majority of the Board, and creation of preservation communities where voluntary annexation would be prohibited without the approval by a super majority of the Board and approval of the voters residing in the community; and

WHEREAS, on May 27, 2004, the Board of County Commissioners voted 3-1 to direct County staff to prepare the necessary ordinances to place the proposed charter amendment on the November 2, 2004, ballot; and

WHEREAS, the proposed charter amendment, if passed, would preempt the City's authority to voluntarily annex property into the City and would unnecessarily inject the County into the annexation process, severely curtail private property rights, add layers of bureaucracy to the voluntary annexation process, and hinder the City's obligation to plan efficiently for the future; and

WHEREAS, the City Council has deemed approval of this Resolution to be in the best interest of the citizens and residents of the City of Riviera Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA THAT:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The City Council hereby expresses its formal opposition to the proposed Palm Beach County charter amendment and implementing ordinance affecting voluntary annexations by municipalities.

SECTION 3. The City Council hereby urges the Board of County Commissioners not to adopt the proposed annexation charter amendment and implementing ordinance, but rather to utilize the mechanisms established in the Intergovernmental Coordination Element of the County's Comprehensive Plan to work cooperatively with the municipalities to address annexation issues.

SECTION 4. The City Clerk is hereby authorized and directed to furnish copies of this Resolution to the Board of County Commissioners and members of the Palm Beach County League of Cities.

SECTION 5. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED this 7 day of July, 2004

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APPROVED:



MICHAEL D. BROWN
MAYOR

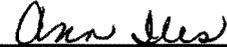


DAVID G. SCHNYER
CHAIRPERSON

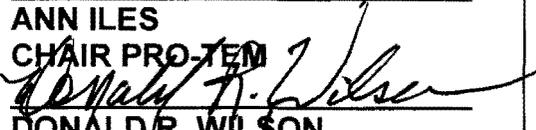
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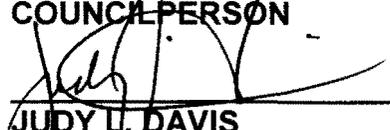
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