

RESOLUTION NO. R-2004- 2433

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, INITIATING INTERGOVERNMENTAL CONFLICT RESOLUTION PROCEDURES WITH THE CITY OF GREENACRES

WHEREAS, the City of Greenacres enacted ordinances annexing unincorporated Palm Beach County territory in Ordinances 2004-10 and 2004-19 enacted by the City Council on October 3, 2004; and

WHEREAS, Chapter 164, The Florida Governmental Conflict Resolution Act requires local government follow a dispute resolution process when engaging in litigation with another local government; and

WHEREAS, Sec. 164.1041(1), Fla. Stat. does not toll jurisdictional time limits; and

WHEREAS, Palm Beach County filed certiorari petitions challenging the annexations in petitions filed on November 3, 2004 in Palm Beach County v. City of Greenacres, Case No. 2004CA010323XXXXMBAY and Palm Beach County v. City of Greenacres, Case No. 2004CA 010323XXXXMBAY, as Sec. 171.031, Fla. Stat. requires appeals be filed by certiorari within 30 days of the date an annexation ordinance is adopted; and

WHEREAS, Section 164.1052(1), Florida Statutes (2003), requires the passage of a resolution in order to initiate intergovernmental conflict resolution procedures.

WHEREAS, the Palm Beach County and the City of Greenacres have filed agreed motions to abate the certiorari proceedings while the conflict resolution process is ongoing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The Whereas clauses stated above are true and correct and form a part of this Resolution.
2. The Board of County Commissioners of Palm Beach County hereby initiates the conflict resolution process pursuant to Chapter 164, Florida Statutes (2003), regarding the adoption of City of Greenacres Ordinances 2004-10 and 2004-19.
3. Pursuant to Section 164.1052(1), Florida Statutes (2003), the County will send to the chief administrator of the City of Greenacres, within five days of the passage of this Resolution, a certified copy of the Resolution and a letter stating the nature of the conflict, the reason for initiating the

conflict resolution process, the proposed date and location for the conflict assessment meeting, and suggestions regarding the officials who should be present at the conflict assessment meeting.

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

Commissioner Karen T. Marcus,	Aye
Commissioner Tony Masilotti,	Aye
Commissioner Jeff Koons	Aye
Commissioner Warren H. Newell	Absent
Commissioner Mary McCarty	Absent
Commissioner Burt Aaronson	Aye
Commissioner Addie Greene	Aye

The Chair thereupon declared the Resolution duly passed and adopted this 18 day of November, 2004.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

By: Judith Caspary

Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]

Assistant County Attorney

