

**INTRODUCED BY:
COUNCILOR LEE**



ORDINANCE NO. 2008-16

A BILL TO BE ENTITLED

ORDINANCE 2008-16

AN ORDINANCE AMENDING THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING BETWEEN THE CITY OF JACKSONVILLE, THE CITY OF ATLANTIC BEACH, THE TOWN OF BALDWIN, THE CITY OF JACKSONVILLE BEACH, THE CITY OF NEPTUNE BEACH AND THE DUVAL COUNTY SCHOOL BOARD TO CONFORM SECTION 5.4.1.4(B) TO STATE LAW AS REQUESTED BY THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA); AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING AS AMENDED HEREIN; AUTHORIZING SETTLEMENT AGREEMENTS AS NECESSARY BETWEEN THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF JACKSONVILLE TO RESOLVE DOAH CASE NO. 08-3216GM AND ANY PENDING STATE OF FLORIDA ADMINISTRATION COMMISSION MATTER RELATED TO SECTION 5.4.1.4(B); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach on February 4, 2007, approved an Interlocal Agreement for Public School Facility Planning between the City of Jacksonville, the City of Atlantic Beach, the Town of Baldwin, the City of Jacksonville Beach, the City of Neptune Beach, and the Duval County School Board (Interlocal Agreement); and

WHEREAS, the DCA found the Interlocal Agreement and the Amendment inconsistent with the minimum requirements of Section 163.31777, *Florida Statutes*, due to one clause regarding Developments of Regional Impact; and

WHEREAS, the DCA initiated formal administrative proceedings challenging the Amendment (DOAH Case No. 08-3216GM) and forwarded its findings regarding the Interlocal Agreement to the State of Florida Administration Commission pursuant to Section 163.31777(3)(c), *Florida Statutes*; and

WHEREAS, all of the parties wish to avoid the expense, delay, and uncertainty of

lengthy litigation, and agree that it is in their respective mutual best interests to do so; and

WHEREAS, the Planning and Development Review Board held a duly noticed public hearing on the Interlocal Agreement and Settlement Agreement(s), and having considered all written and oral comments received during the public hearing, has made its recommendation to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on the Interlocal Agreement and Settlement Agreement(s), and having considered all written and oral comments received during the public hearing; now, therefore

BE IT ORDAINED by the Council of the City of Neptune Beach:

Section 1. Section 5.4.1.4(b) in the Interlocal Agreement for Public School Facility Planning approved on February 4, 2007 is hereby deleted and replaced with the following text: “(b) Developments of Regional Impact for which a development order has been issued prior to July 1, 2005, the effective date of Chapter 2005-290, Laws of Florida, or for which a DRI application has been submitted prior to May 1, 2005.” All other provisions of the Interlocal Agreement for Public School Facility Planning approved on February 4, 2007 will remain in full force and effect.

Section 2. The Mayor and City Manager are hereby authorized to execute the Interlocal Agreement for Public School Facility Planning as approved on February 4, 2007 and amended by Section 1 herein. The Mayor and City Manager are hereby authorized to execute Settlement Agreements limited to the issue in Section 1 herein to resolve DOAH Case No. 08-3216GM and any pending State of Florida Administration Commission matter related to Section 5.4.1.4(b).

Section 3. The Ordinance shall become effective immediately upon its final passage and adoption by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette	Yes
Councilor Kara Tucker	Yes
Councilor Fred Lee	Yes

Councilor Eric Pardee	Yes
Councilor John Weldon	Yes

Passed on First Reading this 2nd day of December, 2008.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette	Yes
Councilor Kara Tucker	Yes
Councilor Fred Lee	Yes
Councilor Eric Pardee	Yes
Councilor John Weldon	Yes

Passed on Second and Final Reading this 5th day of January, 2009.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney