



COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, *County Attorney*

201 South Rosalind Avenue 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 Fax 407-836-5888

Agenda Item

MEMORANDUM

Deputy County Attorney

Georgiana Holmes

Senior Assistant County Attorney

Whitney E. Evers

Assistant County Attorneys

Roberta Alfonso

Lee Bernbaum

Joy Carnichael

James Hetz

Andrew W. Mai

Sawsan Mohluddin

Desmond Morrell

Matthew Pritchett

Dylan Schott

Scott Shevenell

Heather Wallace

Shonda White

Legal Administrative Supervisor

Dan Randolph

Senior Paralegal

Melessia Lofgren

Paralegals

Lamar Sharpe

Gail Stanford

Marla Vargas

TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Andrew W. Mai, Assistant County Attorney *Am*
Contact: (407) 836-7320

DATE: May 13, 2024

RE: Consent Agenda Item – May 21, 2024
Annexation Ordinance adopted by City of Orlando for Sunbridge-Camino Annexation approved on May 13, 2024

I. EXPLANATION & SUMMARY:

As you recall, after discussion on April 23, 2024, the Board approved a resolution related to Phase I of the Sunbridge Annexation. As explained below, this consent agenda item relates to Phase II of the Sunbridge Annexation that encompasses additional acreage of 5,398 acres.

On May 13, 2024, the City Council for the City of Orlando adopted an ordinance annexing the Sunbridge-Camino area into the City of Orlando (City Ordinance No. 2024-20).

Orange County staff appeared at the May 13, 2024, City Council meeting to speak against the proposed annexation ordinance, and to request a continuance.

County staff objected to the annexation for the following reasons: (1) the area proposed to be annexed is not compact, results in a pocket, and appears to create an enclave. Additionally, County staff objected to the annexation, because it adds unpredictability to the existing land use and regulatory approvals. The annexation fails to address significant transportation issues and agreements, and the City has not committed to mirroring the County's environmental protections.

County Staff objected to the annexation agreement as it impairs the contracts that the County has with private entities.

According to Florida's annexation law, the County is an affected party because it has jurisdiction over the annexed area. The staff's view is that the annexation is legally defective, and the County should reserve its right to challenge the annexation in Circuit Court if the City and the County cannot resolve their differences. In addition, the County would like to reserve the right to file suit regarding the annexation agreement as it illegally impairs the agreements the County has with private parties. However, as a precursor to petitioning the Circuit Court to invalidate the annexation or filing suit related to the annexation agreement, the County must initiate and proceed through a conflict resolution procedure with the City as described in Chapter 164 of the Florida Statutes ("Florida Governmental Conflict Resolution Act").

The conflict resolution procedure must be initiated by the passage of a resolution no later than 30 days following adoption of an annexation ordinance (by June 12, 2024), and includes the following steps:

- (1) a conflict assessment meeting, with public notice, involving appropriate personnel from each primary conflicting entity, including the chief administrative officer, or his or her designee; and
- (2) in the event that no tentative resolution can be agreed upon at the conflict assessment meeting, a joint public meeting of the County Commission and City Council; and
- (3) in the event an agreement is not reached, mediation.

If there is a failure to resolve the conflict through the procedures provided in Chapter 164, Florida Statutes, the entities participating in the dispute resolution process may avail themselves of any legal rights.

Accompanying this memorandum is a proposed resolution which, if adopted, will initiate the conflict resolution procedure and specify the issues pertaining to the conflict.

II. ACTION REQUESTED:

Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Conflict Resolution Procedure under Chapter 164, Florida Statutes, which pertains to City of Orlando Ordinance No. 2024-20, and authorization for the County Administrator to take or arrange any and all other actions deemed necessary to complete the dispute resolution process in good faith.

May 13, 2024

Page 3

Please contact Andrew W. Mai or me if you have any questions. We can be reached at ext. 67320.

Enclosure

c: Byron W. Brooks, AICP, County Administrator

Jon Weiss, P.E., Deputy County Administrator

Joseph Kunkel, Director, Public Works

Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services
Department

Alberto Vargas, Manager, Planning Division

Georgiana Holmes, Deputy County Attorney

May 24, 2024

VIA CERTIFIED MAIL

Kevin Edmonds, Chief Administrative Officer
City of Orlando
400 S. Orange Avenue, Third Floor
Orlando, Florida 32801

Re: Notice of Initiation of Conflict Resolution Procedure under Chapter 164,
Florida Statutes; City of Orlando Ordinance No. 2024-20 (Sunbridge-Camino
Annexation)

Dear Mr. Edmonds:

Enclosed please find a certified copy of Orange County Resolution No. 2024-M-___, adopted by the Board of County Commissioners on May 21, 2024, initiating the intergovernmental conflict resolution procedure described in Chapter 164 of the Florida Statutes. The conflict in question, more particularly described in the enclosed Resolution, relates to the City of Orlando's decision on May 13, 2024, to adopt Ordinance No. 2024-20, relating to the Sunbridge-Camino Annexation Area. The justification for initiating this conflict resolution process is set forth in the Resolution.

Pursuant to Section 164.1052, Florida Statutes, the County suggests that the officials who should be present at the conflict assessment meeting would be you, the City's legal counsel, and any other personnel from the City that you deem appropriate or necessary. For the County, those attending in addition to myself would be the Deputy County Administrator, Jon Weiss; the Director of Public Works, Joseph Kunkel, or his designee(s); the Director of Planning, Environmental, and Development Services, Tanya Wilson, or her designee; the Manager of the Planning Division, Alberto Vargas, or his designee; and, the County Attorney, Jeffrey Newton, and/or his designee(s).

Also pursuant to Sections 164.1052 and 164.1053, Florida Statutes, the proposed time and date for the conflict assessment meeting is from 2 until 5 p.m. on June ___, 2024, which would be within 30 days of your receipt of this letter as required by Section 164.1053.

Kevin Edmonds
May 24, 2024
Page 2

The location of the meeting will be Room 105 (the Media Room) on the First Floor of the Orange County Administration Center at 201 South Rosalind Avenue, Orlando.

Upon receipt of this letter, please confirm the proposed meeting date and time, and please identify the personnel who will be attending for the City.

Section 164.1053, Florida Statutes, requires each entity to provide public notice of this meeting at least 10 days prior to the meeting in accordance with Section 164.1031 (7), Florida Statutes.

We are open to combining this process with the dispute resolution process related to Phase I already underway.

I look forward to hearing from you in the very near future.

Sincerely,

Byron W. Brooks, AICP
County Administrator

Enclosure

c: Jeffrey J. Newton, County Attorney
Jon Weiss, P.E., Deputy County Administrator
Joseph Kunkel, Director, Public Works
Tanya Wilson, AICP, Director, Planning, Environmental, and Development
Services Department
Alberto Vargas, Manager, Planning Division
Georgiana Holmes, Deputy County Attorney
Dr. Maria F. Vazquez, Ed.D., Superintendent, Orange County Public Schools (w/
a copy of enclosure)