



CITY OF ORLANDO

November 2, 2005

Thomas B. Drage, County Attorney
Orange County
201 S. Rosalind Avenue
Orlando, Florida 32801

Re: Joint Planning Issues

Dear Tom:

As you may know, Jean Roush-Burnett received a letter last week from David Heath regarding the status of Joint Planning Agreement (JPA) negotiations. Given the tenor of his letter, I am concerned that Mr. Heath may not be fully aware of the numerous fruitful discussions that have been occurring between various County and City representatives over the "next generation" JPA. As recently as late last week, Mayor Crotty and Mayor Dyer had discussions concerning JPA issues. In addition, over the last several weeks you and I have talked about a few concepts such as fire service territories which may form the heart of a new JPA.

As you know, we are considering some alternative approaches to these joint planning issues that will be successful for both of us, building on our mutual experiences pursuant to the 1994 agreement. We believe that an alternate approach to these matters can build on the most successful elements of our 1994 agreements and avoid those that proved to be the most troublesome.

As our Mayors have agreed, much of the next generation JPA should be built around quality joint planning and efficient service delivery as opposed to mere annexation line-drawing.

We have both acknowledged that certain related agreements negotiated in connection with the 1994 joint planning discussions have been very successful. Those are the territorial agreements establishing service areas for water, wastewater and electricity, as well as the later territorial agreement for reclaimed water which was somewhat modeled after the earlier agreements. The stated goal for the territorial agreements was to facilitate long term capital planning and to avoid costly duplication of services. The City and the County each agreed to provide services in their established service area regardless of jurisdictional lines at the time of the agreement and regardless of future annexations. These territorial agreements have greatly contributed to the effective and efficient provision of services to the citizens of the City of Orlando and Orange County.

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Add into this mix the Consolidation of Services Study Commission (CSSC), which came into existence by the action of Orange County's Charter Review Commission. The CSSC currently has subcommittees examining five areas of City and County services: parks and recreation; fire service; water utilities; transportation; and purchasing. When their recommendations come to us, probably early next year, they will likely provide us both with some creative suggestions for improving and streamlining other City and County services. If we jointly concur in those recommendations, implementation of them would occur by interlocal agreement, building on our successful history of cooperation in the earlier territorial agreements and, perhaps, using the same concept of service areas.

Having said the foregoing, I am proposing that the City and the County continue their ongoing discussions of a new Joint Planning Agreement, not in the outdated model of the 1994 agreement, but in a meaningful attempt at true joint planning and intergovernmental cooperation, which would accomplish the following:

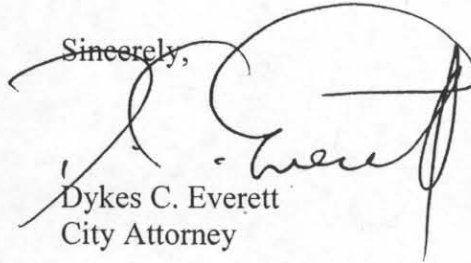
1. Establish a fire territorial agreement, similar to what the City and County have done for other services;
2. Mandate a review of existing territorial lines and update and revise them where necessary;
3. Establish true joint planning in certain targeted emerging growth areas;
4. Eliminate enclaves in a timely fashion, utilizing existing statutory mechanisms where feasible and seeking special legislation for the elimination of enclaves where existing options are not effective. The goal would be to develop an efficient and relatively compact City of Orlando municipal boundary; and
5. Establish the master road agreement, contemplated in the 1994 agreement, but never entered into, to encourage more efficient utilization and maintenance of rights-of-way; and

I believe that the above approach will build on the best elements of the 1994 agreements and do away with the elements that proved to be the most contentious for both local governments.

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I look forward to continuing our dialog.

Sincerely,

A handwritten signature in black ink, appearing to read "Dykes C. Everett", is written over the typed name and title.

Dykes C. Everett
City Attorney

DCE:jo

cc: Cheryl Henry, Chief of Staff, City of Orlando
Byron Brooks, Interim Chief Administrative Officer, City of Orlando
Tanja Gerhartz, Director of Economic Development, City of Orlando
Roger Neiswsender, Director of Transportation, City of Orlando
Ajit M. Lalchandani, County Administrator, Orange County
David Heath, Deputy County Administrator, Orange County
Joel Prinsell, Deputy County Attorney, Orange County
Linda S. Akins, Director of Government Relations, Orange County
Chris Testerman, Manager, Planning Division, Orange County