

9. **OLD BUSINESS**

- b **RESOLUTION 08-115 OF THE CITY OF SANIBEL CITY COUNCIL EXPRESSING ITS INTEREST IN ENTERING INTO NEGOTIATIONS WITH THE LEE COUNTY COMMISSIONERS PERTAINING TO THE DEVELOPMENT OF AN INTERLOCAL SERVICES BOUNDARY AGREEMENT PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES, DECLARING AN INTENT TO CONSIDER THE IMPOSITION OF A MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR MUNICIPAL ANNEXATION FOR A PERIOD TO EXPIRE NO LATER THAN JULY 21, 2009 WHILE THE INTERLOCAL AGREEMENTS IS THE SUBJECT OF ACTIVE ONGOING NEGOTIATIONS; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

RESOLUTION NO. 08-115

A RESOLUTION OF THE CITY OF SANIBEL CITY COUNCIL EXPRESSING ITS INTEREST IN ENTERING INTO NEGOTIATIONS WITH THE BOARD OF LEE COUNTY COMMISSIONERS PERTAINING TO THE DEVELOPMENT OF AN INTERLOCAL SERVICE BOUNDARY AGREEMENT PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES, DECLARING AN INTENT TO CONSIDER THE IMPOSITION OF A MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR MUNICIPAL ANNEXATION FOR A PERIOD TO EXPIRE NO LATER THAN JULY 21, 2009 WHILE THE INTERLOCAL AGREEMENT IS THE SUBJECT OF ACTIVE ONGOING NEGOTIATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the “Interlocal Service Boundary Agreement Act” as Part II of Chapter 171, Florida Statutes (Sections 171.20 through 171.203), provides an alternative process for annexation that allows counties and municipalities to negotiate in good faith to identify municipal service areas and unincorporated service areas, resolve which local government is responsible for providing services and facilities within the municipal service areas, and reduce the number of enclaves; and

WHEREAS, the Florida Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes, encourages and empowers local governments to cooperate with one another on matters of mutual interest and advantage, and provides for interlocal agreements between local governments on matters such as annexation and joint planning; and

WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Part I, Florida Statutes, and the Interlocal Service Boundary Agreement Act, Chapter 171, Part II, Florida Statutes, recognizes the use of interlocal boundary agreements and joint planning agreements as a means to coordinate future land use, public facilities and services, and protection of natural resources in advance of annexation; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, requires that counties and cities include in their respective planning efforts intergovernmental coordination and, particularly, mechanisms for identifying and implementing joint planning areas, especially for the purpose of annexation; and

WHEREAS, the State Comprehensive Plan requires local governments to direct development to those areas which have in place the land and water resources, fiscal abilities and service capacities to accommodate growth in an environmentally acceptable manner; and

WHEREAS, the State Comprehensive Plan requires local governments to protect the substantial investment in public facilities that already exist and to plan for and finance new facilities in a timely, orderly and efficient manner; and

WHEREAS, the Lee County Board of Commissioners has requested an expression of interest by the municipalities located in Lee County in participating in a joint planning process which would involve negotiating an interlocal agreement to address issues pertaining to future annexations by the municipalities and which may include one or more of the subjects set forth in Section 171.203, Florida Statutes; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Part II, Florida Statutes, permits a county to initiate the process for the development of an interlocal agreement by passing a resolution inviting municipalities to enter into negotiations for an interlocal agreement; and

WHEREAS, although the Lee County Board of Commissioners has not yet adopted a resolution initiating the formal process set forth in the Interlocal Service Boundary Agreement Act, Chapter 171, Part II, Florida Statutes, the Lee County Board of Commissioners has asked for an expression of a willingness by the municipalities to agree to impose a moratorium on the processing of new applications for annexation during the period of negotiations but not to exceed a twelve month period.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida:

SECTION 1. That the Sanibel City Council joins in the expression of interest by the Lee County Board of Commissioners in entering into the process of negotiating an interlocal agreement to address issues pertaining to future annexations by the City and which may include one or more of the subjects set forth in Section 171.203, Florida Statutes, when that process is initiated.

SECTION 2. That City Council is willing to place the question of a moratorium before the Council upon the initiation of the process for the negotiation of an interlocal agreement as set forth in Section 171.203(1), Florida Statutes, and upon passage, to impose a moratorium on the acceptance of new applications for municipal annexation for a period to expire no later than July 21, 2009. For purposes of this resolution a new application for municipal annexation means an application for the annexation of unincorporated land which has not been the subject of an annexation application received by the City prior to the initiation of the process for negotiation of an interlocal agreement and which is not an application for an annexation of an "enclave" as that term is defined in Section 171.203, Florida Statutes.

SECTION 3. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this
26th day of August 2008.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler

Kenneth B. Cuyler, City Attorney

8/21/08

Date

Vote of Council members:

Denham _____
Ruane _____
Jennings _____
Johnston _____
Pappas _____

Date filed with City Clerk: _____