

12. CITY ATTORNEY'S REPORT

- a. Copy of Lee County Resolution 09-01-13, adopted pursuant to Chapter 171, Part II, Florida Statutes, which invites “ the City of Sanibel to Negotiate an Interlocal Service Boundary Agreement to Designate a Joint Planning Area and Provide for the Efficient Delivery and Funding for Public Services.”



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 533-2236

Facsimile (239) 485-2106

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stillwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

January 21, 2009

VIA CERTIFIED MAIL

Judith Zimomra, City Manager
City of Sanibel
800 Dunlop Road
Sanibel, FL 33957

Re: Resolution inviting the City of Sanibel to
participate in Joint Planning Pursuant to F.S. Chapter 171 Part II
LU-08-06-2415.A.1.f.1)

Dear Ms. Zimomra:

Enclosed please find a final executed resolution inviting the City of Sanibel to negotiate an interlocal service boundary agreement. The resolution invites the City to participate in joint planning on issues of mutual concern set forth in Section 4 of the resolution. A map depicting the proposed urban reserve and joint planning areas for the City has been included for your consideration.

The Board of County Commissioners adopted the enclosed resolution on January 20, 2009. A copy of the resolution has been provided to you as the Chief Administrative Officer for the municipality by certified mail in accordance with the terms of the Interlocal Service Boundary Agreement Act. The Act anticipates that the invited municipality will adopt a responding resolution within 60 days after the receipt of this initiating resolution. The responding resolution may identify additional land areas and issues for negotiation.

S:\LUDMC\Annexations\Adopted Resolution Letter - City of Sanibel.wpd

Judith Zimomra, City Manager
January 21, 2009
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Re: Resolution inviting the City of Sanibel to
participate in Joint Planning Pursuant to F.S. Chapter 171 Part II
LU-08-06-2415.A.1.f.1)

We look forward to beginning negotiations with the City of Sanibel shortly after receipt of a responding resolution.

Sincerely,



Ray Judah
Chairman, Board of County Commissioners

DMC/tlb

Enclosures: Resolution
Map

cc: Tammy Hall, Commissioner, District 4
David M. Owen, County Attorney
Mary Gibbs, Director, Department of Community Development
Paul O'Connor, Director, Planning Division
Wayne Daltry, Director, Smart Growth
Kenneth B. Cuyler, Esq., City Attorney

RESOLUTION NO. 09-01-13

A RESOLUTION OF LEE COUNTY, FLORIDA, PROVIDING FOR AN INITIATING RESOLUTION AS CONTEMPLATED IN PART II, CHAPTER 171, FLORIDA STATE STATUTES; INVITING THE CITY OF SANIBEL TO NEGOTIATE AN INTERLOCAL SERVICE BOUNDARY AGREEMENT TO DESIGNATE A JOINT PLANNING AREA AND PROVIDE FOR THE EFFICIENT DELIVERY AND FUNDING FOR PUBLIC SERVICES.

WHEREAS, the goal of the Interlocal Service Boundary Agreement Act is to encourage local governments to jointly determine how to provide services in the most efficient and effective manner while balancing the needs and desires of the community; and,

WHEREAS, an Interlocal Service Boundary Agreement encourages intergovernmental coordination in planning, service delivery, and potential boundary adjustment thereby reducing intergovernmental conflict and litigation between local governments; and,

WHEREAS, an Interlocal Service Boundary Agreement promotes sensible boundaries, reduces the cost of local government, avoids duplication of local service, and increases political accountability; and,

WHEREAS, an Interlocal Service Boundary Agreement prevents inefficient service delivery and insufficient tax base to support the delivery of services; and,

WHEREAS, an Interlocal Service Boundary Agreement will provide a flexible process for joint planing and, if appropriate, adjusting municipal boundaries and address a wider range of the effects of annexation; and,

WHEREAS, Lee Plan Objective 152.2. encourages the County to initiate vehicles for dialogue and communication with other local governments to address issues that have effects beyond the boundaries of unincorporated Lee County; and,

WHEREAS, the first step to negotiating an Interlocal Service Boundary Agreement is to adopt an Initiating Resolution inviting a municipality to participate in negotiations and forward the resolution to the City Council, via the City Manager, as contemplated in Chapter 171, Florida Statutes.

COPY

NOW, THEREFORE, BE IT resolved by Lee County, Florida:

Section 1. Invitation to Negotiate. The Lee County Board of County Commissioners hereby approves this "Initiating Resolution" intended to invite dialogue with the City of Sanibel on the creation of an Interlocal Service Boundary Agreement and the designation of an area identified for joint planning. In accordance with the Interlocal Service Boundary Agreement Act, Lee County requests the City of Sanibel (hereinafter "City") to consider this Initiating Resolution as a request to negotiate an Interlocal Service Boundary Agreement and related joint planning issues.

Section 2. Joint Planning Area. Lee County proposes a potential Joint Planning Area for the purposes of negotiation (Exhibit A). The area is depicted on the attached map. The area is currently unincorporated and services to the property are currently provided by Lee County.

Section 3. Service Delivery. The Lee County Board of County Commissioners will remain responsible for the delivery and funding of the following services within the identified Joint Planning Area unless otherwise established by a specific Joint Planning Agreement resulting from the negotiation as specified in Chapter 171, F.S.:

- A. Public Safety, Hurricane Preparedness, EMS.
- B. Road ownership, construction, and maintenance.
- C. Other transportation services, including mass transit.
- D. Water and wastewater.
- E. Conservation, parks and recreation, environmental mitigation and remediation.
- F. Stormwater management and drainage overall and within specific watersheds.
- G. Planning, Zoning, and Code Enforcement.
- H. Other issues as appropriate, such as human services, affordable housing, and above core level of service County services.

Section 4. Joint Planning Issues. Lee County will negotiate in good faith with the City to address issues of mutual interest. These details will be specified in the Joint Planning Agreement that may result from the requested negotiations. The County suggests the following issues to be discussed as part of this effort:

Fishing pier
Blind Pass
Development in Iona McGregor Corridor
Hurricane evacuation
Road Infrastructure
Cooperative efforts to address regional water quality, with specific emphasis on septic tanks
Captiva Island
Future Role of Community Redevelopment Areas/Tax increment financing
Blueways coordination

Solid waste disposal as part of the County contract
Sludge treatment and disposal

Section 5. Interlocal Joint Planning Agreement Contemplated. If the negotiations arising from this Initiating Resolution are successful and an Interlocal Joint Planning Agreement is achieved between Lee County and the City, then each entity will be responsible for preparing and adopting Comprehensive Plan amendments, implementation of land development regulations, and the issuance of development orders in accordance with the procedures outlined in the Interlocal Planning Agreement.

Section 6. Annexations. If the City of Sanibel annexes a parcel within the Joint Planning Area, it is contemplated that the City will assume responsibility for the delivery and funding of services in accordance with the established Joint Planning Agreement between the City and Lee County (as amended). Annexation of parcels within the Joint Planning Area will be accomplished in a manner consistent with the procedures outlined in Section 171.205, F.S. Lee County Comprehensive Plan and land development regulations will control property within municipal services area unless the City annexes the property and amends its Comprehensive Plan in accordance with Chapter 163, F.S., to recognize the annexed land.

Section 7. Transmittal to City Manager. The County Attorney and County Manager are authorized and directed to transmit this Initiating Resolution to the City Manager by U. S. Certified Mail, and to begin negotiations once a Responding Resolution is approved by the City Council.

Commissioner Hall made a motion to adopt the foregoing resolution, seconded by Commissioner Mann. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 20th day of January 2009.

ATTEST:
CHARLIE GREEN, CLERK

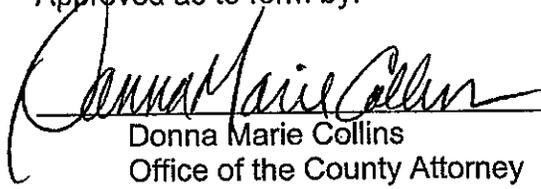
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Ray Judah
Ray Judah, Chair

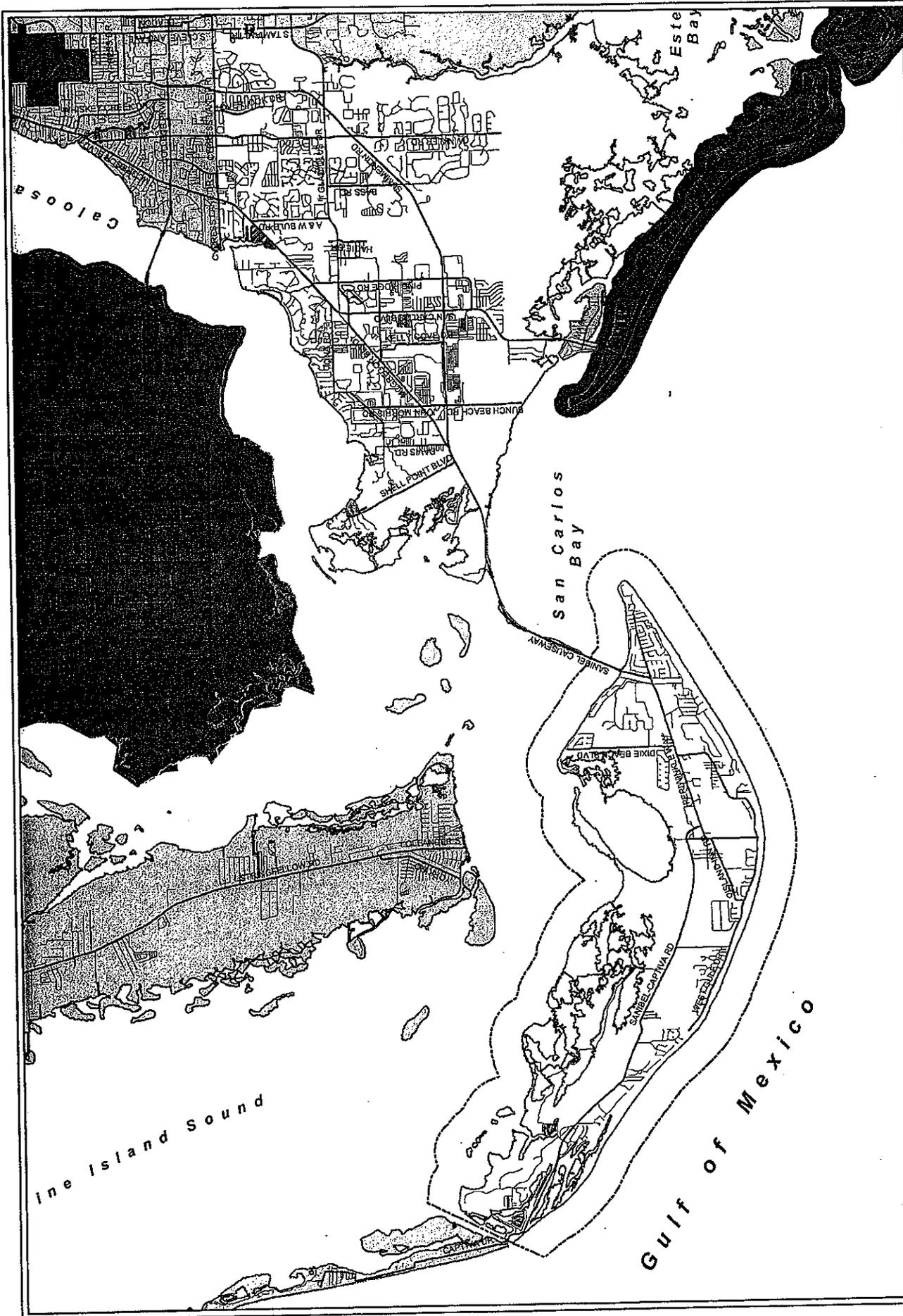
DATE: 1/20/09

Approved as to form by:



Donna Marie Collins
Office of the County Attorney

Attachment: "Exhibit A" - Joint Planning and Municipal Service Area for City of Sanibel



Proposed Joint Planning Area For the City of Sanibel

-  Sanibel
-  Other Municipality
-  Joint Planning Area




LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING
 975 S. 30th St.
 Ft. Myers, FL 33901
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 Map Generated November 2008