

16. **CITY ATTORNEY'S REPORT**

- a. **RESOLUTION 09-032 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES, THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT; SAID RESOLUTION CONSTITUTING A RESPONDING RESOLUTION TO THE INITIATING RESOLUTION ADOPTED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE PARTICIPATION ON THE CITY OF SANIBEL WITH LEE COUNTY IN THE PROCESS PROVIDED FOR IN CHAPTER 171, PART II, FLORIDA STATUTES, FOR THE PURPOSE OF ADDRESSING THE ISSUES MORE PARTICULARLY SET FORTH HEREIN; ACCEPTING THE INVITATION OF THE CITY OF CAPE CORAL MADE TO ALL MUNICIPALITIES IN LEE COUNTY TO PARTICIPATE IN NEGOTIATIONS; AND PROVIDING AN EFFECTIVE DATE**

CITY OF SANIBEL

RESOLUTION 09-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES, THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT; SAID RESOLUTION CONSTITUTING A RESPONDING RESOLUTION TO THE INITIATING RESOLUTION ADOPTED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE PARTICIPATION OF THE CITY OF SANIBEL WITH LEE COUNTY IN THE PROCESS PROVIDED FOR IN CHAPTER 171, PART II, FLORIDA STATUTES, FOR THE PURPOSE OF ADDRESSING THE ISSUES MORE PARTICULARLY SET FORTH HEREIN; ACCEPTING THE INVITATION OF THE CITY OF CAPE CORAL MADE TO ALL MUNICIPALITIES IN LEE COUNTY TO PARTICIPATE IN NEGOTIATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 20, 2009, the Lee County Board of County Commissioners adopted Resolution No. 09-01-13 which constituted the County's Initiating Resolution for the negotiation process set forth in Sections 171.20 through 171.212, Florida Statutes, known as the Interlocal Service Boundary Agreement Act (the "Act"); and

WHEREAS, the Lee County Board of County Commissioners also adopted Initiating Resolutions with respect to the municipalities of Bonita Springs, Cape Coral, Fort Myers and Fort Myers Beach, as well as the City of Sanibel; and

WHEREAS, one of the purposes of the Act is to encourage intergovernmental coordination and planning, service delivery, and boundary adjustments in order to reduce governmental conflicts and litigation between local governments; and

WHEREAS, one of the purposes of the Act is to provide an alternative process for annexation that allows counties and municipalities to negotiate in good faith to identify municipal service areas and unincorporated service areas and resolve which local government is responsible for providing services and facilities within such service areas; and

WHEREAS, one purpose of the Act is to promote sensible boundaries that reduce the cost of local government, avoid duplicating local services and increase political transparency and accountability; and

WHEREAS, it is the intent of the Sanibel City Council to participate in the negotiating process under the Act commenced by Lee County; and

WHEREAS, pursuant to the requirements of the Act, the Sanibel City Council wishes to designate the issues for negotiation and to identify Joint Planning Areas for Lee County and the City of Sanibel; and

WHEREAS, the City of Cape Coral has also invited the municipalities of Bonita Springs, Fort Myers, Fort Myers Beach and Sanibel to enter into negotiations for an Interlocal Service Boundary Agreement pursuant to the Act; and

WHEREAS, the Sanibel City Council wishes to accept the invitation of the City of Cape Coral and provides this Responding Resolution accepting such invitation;

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

SECTION 1. The recitals contained in the preamble above are true, correct, and incorporated herein by reference in this Responding Resolution (“Resolution”) and are made a part of this Resolution as if they were set forth in full below.

SECTION 2. The Sanibel City Council hereby agrees to enter into negotiations with Lee County to participate in the negotiation process under the Act including one or more of the subjects set forth in Florida Statutes §171.203, and specifically including those Joint Planning Issues set forth in this Resolution. This Resolution constitutes the Responding Resolution of the City of Sanibel to Lee County’s Initiating Resolution No. 09-01-13 pursuant to the requirements of the Act.

SECTION 3. The City of Sanibel hereby designates and adopts the following Joint Planning Issues for discussion and/or negotiation as part of an Interlocal Service Boundary Agreement and/or Joint Planning Agreement:

- (a) Joint Planning Issues related to the Causeway and Causeway Islands including, but not limited to, any proposed recreation uses, proposed Fishing Pier, or proposed commercial or quasi-commercial uses;
- (b) All matters relating to Blind Pass;
- (c) All matters relating to development in the Iona-McGregor Corridor;
- (d) All matters relating to hurricane evacuation;
- (e) All matters relating to road infrastructure in the Joint Planning Areas;
- (f) All matters relating to cooperative efforts to address regional water quality, with specific emphasis on septic tanks;
- (g) All potential matters of Joint Planning relating to Captiva Island;
- (h) All matters relating to the future role of community redevelopment areas/tax increment financing;
- (i) All matters relating to Blueways coordination;

- (j) All matters relating to solid waste disposal as part of the County contract; and
- (k) All matters relating to sludge treatment and disposal.

SECTION 4. Attached hereto as Exhibit "A" is a map setting forth the proposed Joint Planning Areas for the City of Sanibel and Lee County, including Captiva Island, the Causeway and Causeway Islands, and those portions of unincorporated Lee County in the general area of the McGregor and Summerlin Road corridors, all as more specifically depicted on attached Exhibit "A".

SECTION 5. This Responding Resolution to Lee County pursuant to the Act shall also constitute an acceptance to the invitation of the City of Cape Coral made to all municipalities in Lee County to participate in negotiations.

SECTION 6. The City Clerk is hereby directed to provide a certified copy of this Resolution to the Chief Administrative Officer of Lee County and to the City Managers, as the Chief Administrative Officers of the municipalities of Bonita Springs, Fort Myers, Fort Myers Beach and Cape Coral.

SECTION 7. Effective Date.

This Resolution shall take effect immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Sanibel,

Florida, this 17th day of March, 2009.

AUTHENTICATION:

 , Mayor

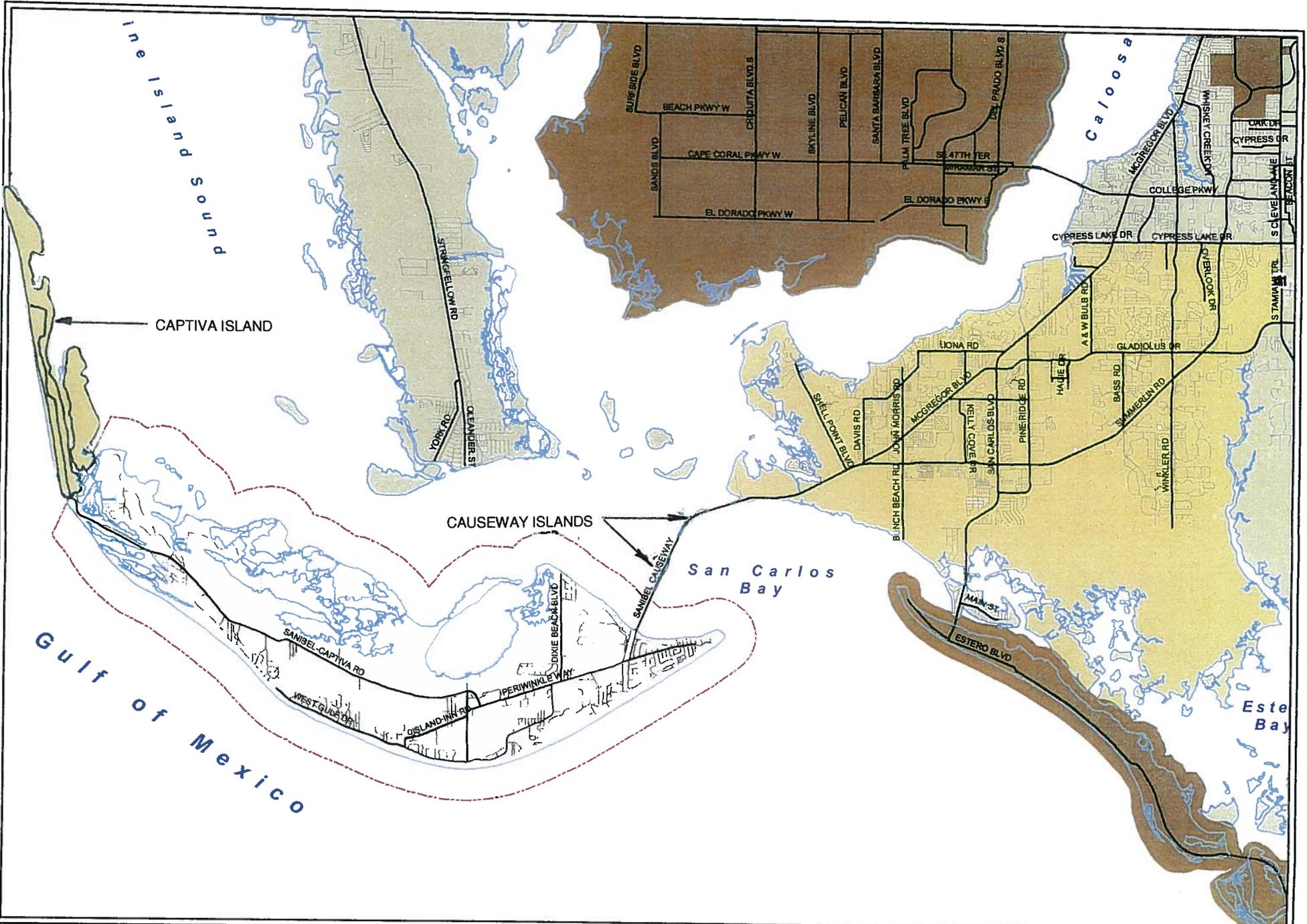
 Pamela Smith, City Clerk

APPROVED AS TO FORM: *Kenneth B. Cuyler*
 Kenneth B. Cuyler, City Attorney

3/11/09
 Date

Vote of Council Members:

Date filed with City Clerk: _____



LEE COUNTY
SOUTHWEST FLORIDA

Map Generated November 2008



- Sanibel
- Other Municipality
- Joint Planning Area

Proposed Joint Planning Area For the City of Sanibel