



Lee County
Southwest Florida

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VIA EMAIL ONLY

August 11, 2023

Richard Johnson, Mayor
City of Sanibel
800 Dunlop Road
Sanibel, FL 33957
Richard.Johnson@mysanibel.com

Re: Lee County Charter Review Commission:
Voluntary Annexation Proposal

Dear Mayor Johnson,

Lee County is a Home Rule Charter County which adopted its Charter in 1996. In accordance with the County Charter, the Lee County Board of County Commissioners appoints 15 members to the Charter Review Commission every 8 years. The Charter Review Commission meets over a period of 18 months and its purpose is to review the county charter and propose potential amendments or revisions to the charter that may be placed on the general election ballot. This Charter Review Commission was appointed by the County Commission in February of this year. So far, the Charter Review Commission has held its first five meetings.

One item that the Charter Review Commission has decided to pursue is a potential amendment to the Charter regarding voluntary annexation. The Commission will discuss voluntary annexation at its next scheduled meeting on September 12th. The procedures for voluntary annexation are governed by Section 171.044, Florida Statutes. Section 171.044(1), Florida Statutes provides: "The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality." Furthermore, Section 171.044(4), Florida Statutes provides: "The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation."

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The Charter Review Commission is currently considering draft language for the potential Charter amendment regarding voluntary annexation. That draft is attached to this correspondence for your review. Please note that this language is only a first draft of the potential amendment and will likely be subject to modification as the charter review process continues.

The Charter Review Commission believes that the municipalities within the County may have valuable input to provide in the Commission's consideration of this issue. Therefore, the Commission has approved extending an invitation to all municipalities in Lee County to attend the next Charter Review Commission meeting to make a presentation. Therefore, I would like to formally invite you or a representative of the City to attend our upcoming meeting on September 12th. Should the City wish to make a presentation to our Commission, please respond to Deputy County Attorney, Andrea Fraser, and Assistant County Attorney, Joseph Adams, at the County Attorney's Office with your City's interest to present at the next meeting. The next meeting will be held on Tuesday, September 12th at 5:00 pm at the Lee County Administration Building East, 2201 Second Street, Room 118, Fort Myers, Florida 33901.

Please respond to the County Attorney's Office by Friday, August 25, 2023, if the City wishes to make a presentation at the upcoming meeting.

Sincerely,



Nathan Fred Shaw, Chairman
Charter Review Commission

Attachment: Charter Amendment: Voluntary Annexation

cc via email only:

Andrea Fraser, Deputy County Attorney (afraser@leegov.com)
Joseph Adams, Assistant County Attorney (jadams@leegov.com)
Charter Review Commission
Dana Souza, City Manager (citymanager@mysanibel.com)
John Agnew, City Attorney (johna@bapfirm.com)

**Lee County Home Rule Charter
(Proposed Amendment to Article I)**

Section 1.5: Voluntary Annexation

A) Voluntary annexation of a property in an unincorporated area that meets any one of the following criteria requires approval by a majority vote of the Board of County Commissioners:

- 1) The property is located in a Lee County Utilities Future Water Service Area;
- 2) The property is located in a Lee County Utilities Future Sewer Service Area; or
- 3) The property abuts, has direct access to, or its primary access to the public street network is or will be a County Maintained Roadway.

If a property meets any one of the above criteria, prior to petitioning the Board of County Commissioners for approval of the voluntary annexation, the owner or owners of the property must first petition the governing board of the municipality to be annexed into the municipality. Further, an ordinance adopted in accordance with Section 171.044, Florida Statutes must be approved by the municipality's governing board prior to petitioning the Board of County Commissioners.

B) A petition for voluntary annexation of a property in an unincorporated area that is located within an independent special fire control district cannot be approved by a municipality unless the municipality has first entered into an interlocal agreement with the independent special fire control district for fire protection services for that property. If the property meets any one of the three criteria in subsection A, and therefore requires approval by the Board of County Commissioners, the interlocal agreement must be entered into prior to petitioning the Board of County Commissioners.

C) This Section does not apply to the annexation of enclaves as defined in Chapter 171, Florida Statutes.