

# RESOLUTION NO. 24-024

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**A RESOLUTION OF THE SANIBEL FIRE AND RESCUE DISTRICT,  
LEE COUNTY, FLORIDA, APPROVING AN INTERLOCAL  
AGREEMENT BETWEEN THE SANIBEL FIRE AND RESCUE  
DISTRICT AND THE CITY OF SANIBEL TO WAIVE CERTAIN FEES  
RELATING TO NEW CONSTRUCTION, RECONSTRUCTION, REPAIR,  
AND DEMOLITION OF BUILDINGS AND FACILITIES; PROVIDING  
AN EFFECTIVE DATE.**

WHEREAS, pursuant to Section 163.01, Florida Statutes, the Sanibel Fire and Rescue District (the "District") and the City of Sanibel (the "City") have the authority to enter into an interlocal agreement relating to the fixing and collecting of certain governmental charges and fees; and

WHEREAS, in furtherance of their collective efforts to facilitate recovery after Hurricane Ian, the District and the City desire to reciprocally waive certain fees relating to new construction, reconstruction, repair, and demolition of buildings and facilities in accordance with the terms of an interlocal agreement, a true and correct copy of which is attached hereto this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Sanibel Fire and Rescue District as follows:

**SECTION 1** - The interlocal agreement between the District and the City attached hereto the resolution is hereby approved and the Fire Chief is authorized to sign the interlocal agreement.

**SECTION 2** - Effective date. This resolution shall take effect immediately upon adoption.

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WHEREAS, the Board of Commissioners of the Sanibel Fire and Rescue District duly adopted this resolution at a public meeting held on the 18th day of September 2024.

Commissioner \_\_\_\_\_, who moved for its adoption, offered the foregoing resolution. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

JERROLD MUENCH: \_\_\_\_\_

BRUCE COCHRANE: \_\_\_\_\_

RICHARD MCCURRY: \_\_\_\_\_

Done and adopted by the SANIBEL FIRE AND RESCUE DISTRICT BOARD this 18th day of September 2024.

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\_\_\_\_\_  
Chairman, "Jerry" Jerrold Muench

\_\_\_\_\_  
Vice Chairman, Bruce Cochrane

\_\_\_\_\_  
Secretary/Treasurer, Richard McCurry

\_\_\_\_\_  
Attest, Fire Chief Kevin Barbot

**EXHIBIT A OF RESOLUTION**

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF SANIBEL AND SANIBEL FIRE AND RESCUE DISTRICT**

This Interlocal Agreement ("Agreement") is made and entered into this 9th day of September, 2024 by and between SANIBEL FIRE AND RESCUE DISTRICT, a Florida independent special district ("District") and the CITY OF SANIBEL, a Florida municipal corporation ("City").

WHEREAS, pursuant to Section 163.01, Florida Statutes, the District and the City have the authority to enter into an agreement relating to the fixing and collecting of certain governmental charges and fees; and

WHEREAS, in furtherance of their efforts to facilitate recovery after Hurricane Ian, the District and the City desire to reciprocally waive certain fees relating to new construction, reconstruction, repair, and demolition of buildings and facilities in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the foregoing, and of the mutual covenants and conditions set forth herein, the District and the City, both intending to be legally bound, hereby agree to the following terms and conditions:

1. **Waiver of fees:** The City and the District mutually agree to waive all fees otherwise charged to one another relating to new construction, reconstruction, repair, and demolition of buildings and facilities. Notwithstanding the waiver of fees for these construction-related activities, the District remains obligated to submit applications and plans relating to same to the City.
2. **Term of the Agreement:** The term of this Agreement is from September 9, 2024, through September 30, 2034.
3. **Termination:** Either party may terminate this Agreement by providing sixty (60) days' written notice to the other party of their intention to terminate this Agreement by providing such notice to the address set out below.
4. **Written Notice and Correspondence:** Written notice of termination, extension, amendment, or other correspondence must be provided via regular mail, postage prepaid, as follows:

To the City:  
 City Manager  
 City of Sanibel  
 800 Dunlop Rd.  
 Sanibel, FL 33957

To the District:  
 Fire Chief  
 Sanibel Fire and Rescue  
 2351 Palm Ridge Road  
 Sanibel, FL 33957

5. **Effective Date:** This Agreement shall become effective on the date written above, and any subsequent amendments thereto shall be filed with the Clerk of the Circuit Court and Sanibel City Clerk.

6. Entire Agreement: This Agreement sets forth all agreements, terms, conditions, and understandings between the District and the City concerning fee waivers, and there are no other agreements, customs, usages, terms, conditions, or understandings, oral or written, express or implied related thereto, other than as set forth herein. Additionally, all negotiations or acts concerning fee waivers made prior to the execution hereof are deemed to be merged, integrated, and superseded by this Agreement. No amendment to this Agreement shall be effective, unless it is in writing, signed by both parties.

7. Severability: Should any provision contained within this Agreement be determined by a court of competent jurisdiction to be unenforceable, such a determination will not affect the validity or enforceability of any other section or part herein.

IN WITNESS WHEREOF, the parties hereto have caused this presence to be executed by their duly authorized officers and their official seals hereto affixed, on the day and year as written below.

ATTEST: CITY OF SANIBEL  
By: *Scotty Spore Kelly*  
CITY CLERK  
Date: 9/12/24  
CITY SEAL  
Incorporated Nov. 5, 1914

By: *Dana A. Souza*  
Dana A. Souza, City Manager

Date: 9/12/2024

APPROVED AS TO LEGAL FORM:  
By: *John D. Agnew*  
John D. Agnew, City Attorney  
Date: 9/9/24

ATTEST: SANIBEL FIRE AND RESCUE DISTRICT

By: \_\_\_\_\_ By: Kevin Barbot, Fire Chief

Date: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
By: \_\_\_\_\_  
Date: \_\_\_\_\_