

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060334

1. ACTION REQUESTED/PURPOSE: Approve the "Consent to Assign the Interlocal Agreement between Lee County and the City of Sanibel for Interim Library Funding to the Sanibel Public Library District". Authorize Chairwoman's signature on the Consent Form.

2. WHAT ACTION ACCOMPLISHES: Board of County Commissioners' approval is required to assign the rights and obligations of the City of Sanibel (under the Interlocal Agreement for interim library funding) to the Sanibel Public Library District.

3. MANAGEMENT RECOMMENDATION: Consent to the Assignment.

4. Departmental Category: 12 **C12A** **5. Meeting Date:** 03-28-2006

6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated:
	<input type="checkbox"/> Statute	<input type="checkbox"/>	Commissioner
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>	Department County Attorney
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>	Division
	<input checked="" type="checkbox"/> Other	Interlocal Agreement	By: Kristie L. Kroslack Assistant County Attorney

9. Background:

On November 2, 2004, the Board of County Commissioners and the City of Sanibel entered into an Interlocal Agreement (effective October 1, 2004) for the interim funding of the Sanibel Library during the creation and establishment of the Sanibel Public Library District. This agreement was extended for one year and terminates on September 13, 2006. Under this agreement, Lee County disburses to the City 65% of the .6055 county library millage levied by the county (after payments to the Property Appraiser and Tax Collector) and collected from property lying within the City limits of the City of Sanibel. In turn, the City disburses this funding to the Sanibel Public Library, Inc.

The City of Sanibel, in conjunction with the Sanibel Public Library, Inc., has requested that Lee County consent to the assignment of rights under the current funding agreement to the newly created Sanibel Public Library District. This will allow the Library to transfer real property and other assets and responsibilities for operation of the Library to the new District. In addition, the assignment will allow the District to receive the funding under the Interlocal Agreement until September 13, 2006. The District Board will have the ability to collect taxes to operate the Library next year.

Exhibits: Three (3) Consent to Assignment Forms (with Exhibit A - Assignment Agreement)
Letter from Mr. Robert Pritt outlining Request for Review

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analysis	Risk	Grants	Mgr.	
				<i>[Signature]</i> 3/16/06	<i>[Signature]</i> 3/16/06	<i>[Signature]</i> 3/16/06	<i>[Signature]</i> 3/16/06	<i>[Signature]</i> 3/16/06	<i>[Signature]</i> 3-16-06

11. Commission Action:

Approved
 Deferred
 Denied
 Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
3-16-06

RECEIVED BY
COUNTY ADMIN: *[Signature]*
3-16-06
1:39
COUNTY ADMIN
FORWARDED TO:

**CONSENT TO ASSIGN THE INTERLOCAL AGREEMENT
BETWEEN LEE COUNTY AND CITY OF SANIBEL
FOR INTERIM LIBRARY FUNDING TO
THE SANIBEL PUBLIC LIBRARY DISTRICT**

The undersigned LEE COUNTY, a political subdivision and Charter County of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as the "County", with a mailing address of P. O. Box 398, Fort Myers, Florida, 33902, under a contract for library funding dated November 2, 2004, and extended on September 10, 2005, consents to the assignment of the rights and obligations of the CITY OF SANIBEL, a municipal corporation of the State of Florida, by and through its City Council hereinafter called "City" under the contract to the SANIBEL PUBLIC LIBRARY DISTRICT, an independent special district, hereinafter called "District" which was created for the purposes of providing library services within the City limits.

WITNESSETH:

WHEREAS, on November 2, 2004, the City of Sanibel and the Board of County Commissioners entered into an Interlocal Agreement for the interim funding of the Sanibel Library during the creation and establishment of the Sanibel Public Library District; and

WHEREAS, the Supervisor of Elections of Lee County held a Special Referendum Election on November 8, 2005, which was approved by the voters; and

WHEREAS, the District is governed by a Board of Commissioners that were elected on March 7, 2006; and

WHEREAS, the City now seeks to assign, by written agreement (Exhibit "A"), its current library funding agreement which expires on September 30, 2006 to the District; and

WHEREAS, the County hereby consents to the assignment of that certain agreement for interim library funding and the terms thereof set forth in Exhibit "A".

NOW, THEREFORE, based on the representations and covenants and conditions set forth in the attached Exhibit "A" entitled "Assignment and Assumption of Rights Agreement" between the City and the District the County hereby agrees to the assignment.

IN WITNESS WHEREOF, the County has executed this Consent to Assignment on _____ day, of _____, 2006.

ATTESTED:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairwoman

APPROVED AS TO FORM:

By: _____
County Attorney's Office

**ASSIGNMENT & ASSUMPTION AGREEMENT FOR
SANIBEL LIBRARY FUNDING**

THIS ASSIGNMENT AND ASSUMPTION OF AGREEMENTS (“Assignment”) is made and entered into effective May 1, 2006, by and between the **City of Sanibel**, a municipal corporation of the State of Florida, by and through its City Council, and the **Sanibel Public Library, Inc.**, a private non-profit corporation hereinafter called the (“Assignors”) and the **Sanibel Public Library District**, a Florida Independent Special District (“Assignee”).

WHEREAS, on November 2, 2004, the Board of County Commissioners and the City of Sanibel entered into an Interlocal Agreement (effective on October 1, 2004) for the interim funding of the Sanibel Library during the creation and establishment of the Sanibel Public Library District. On September 13, 2005, the Agreement was extended for one year, (the “County-City Agreement”).

WHEREAS, on October 1, 2004 the City of Sanibel entered into an agreement with the Sanibel Public Library, Inc. (the "City-Library Agreement"), to disburse to it the funding under the County-City Agreement.

WHEREAS, the Sanibel Public Library District, an independent special district, was created and established in 2005, with a new board elected on March 7, 2006.

WHEREAS, the Assignors agree to assign to the Assignee all of their rights, title, interest, benefits and obligations arising under the November 2, 2004 “County-City Agreement” and the October 1, 2004 "City-Library Agreement", attached hereto as Exhibits “B” and “C” respectively (“the Library Funding Agreements”).

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt, adequacy and sufficiency of which is acknowledged, the Assignors and Assignee hereby agree as follows:

1. Assignors hereby assign, transfer, set over, and convey unto Assignee all of their rights, title, interest, and benefits arising under the Library Funding Agreements.
2. Assignee hereby assumes all of the Assignors’ obligations and duties under the Library Funding Agreements arising on and after the date of this Assignment.
3. Assignors retain responsibility for all of their obligations under the Library Funding Agreements up to the date of this assignment.
4. This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective successors, and assigns.
5. This Assignment shall be governed by the laws of the State of Florida.

[The remainder of this page intentionally left blank. Signature page to follow.]

IN WITNESS WHEREOF, the Parties hereto have executed this Assignment on the date and year first written above..

ASSIGNOR:

ATTESTED:

CITY OF SANIBEL, FLORIDA

By: _____
City Clerk

By: _____
Mayor

APPROVED AS TO FORM:

By: _____
City Attorney's Office

ASSIGNOR:

ATTESTED:

SANIBEL PUBLIC LIBRARY, INC.

By: _____
Secretary

By: _____
President

ASSIGNEE:

ATTESTED:

SANIBEL PUBLIC LIBRARY DISTRICT

By: _____
Secretary

By: _____
President

APPROVED AS TO FORM:

By: _____
Legal Counsel for District



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Latest News - Posted 12:02 P.m.

Sanibel library splits from Lee, gets new directors

By Joel Moroney

jmoroney@news-press.com

Originally posted on March 08, 2006

Sanibel Public Library will operate independent of Lee County for the first time in two decades following Tuesday's special election.

"This is the final step," Sanibel library Director Patricia Allen said of the election of the seven-member volunteer board.

All seven members already serving on the board were elected to the positions, where they will oversee the special taxing district established by the Florida Legislature to fund the the island library.

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The library had relied on Lee County for funding since it changed from a volunteer operation funded through donations in the 1980s, Allen said.

The county chose not to renew the agreement last year. Lawmakers established the special district and voters approved it in November.

Islanders should see a reduction in library property taxes, Allen said. The new district has a maximum tax of 50 cents per \$1,000 in home value, or about \$200 per year for a \$400,000 house.

Actual taxes will be based on the library's budget needs, she said. It will begin collecting the taxes next year while operating through county funds for the remainder of this year, she said.

The current county rate is about 60 cents per \$1,000, she said. Board members are Willie Ford, Richard H. Hult, Linda Kramer, Tom Krekel, Dan Moeder, Linda Uhler and Gilbert M. Warren.

They will be sworn in at the library, 770 Dunlop Road, at 1:30 p.m. on March 17.

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March 15, 2006

Kris Kroslack
Assistant County Attorney
Lee County
P.O. Box 398
Ft. Myers, FL 33902

Ken Cuyler
City Attorney
City of Sanibel
800 Dunlop Road
Sanibel, FL 33957

via e-mail

Re: Sanibel Public Library District/Assignment of Contract

Dear Ms. Kroslack & Mr. Cuyler:

Please consider this request of Sanibel Public Library, Inc. for consents to an Assignment and Assumption of Agreements (Sanibel Public Library Interlocal Agreement) from Sanibel Public Library, Inc. (a private non-profit corporation) to the Sanibel Public Library District, a newly created independent special district.

BACKGROUND

Sanibel Public Library, Inc. (the Library) is a non-profit corporation that has operated a public library on Sanibel Island for many years. In more recent years it operated the library using substantial funding from Lee County by way of contribution of tax dollars by the County to the City and a sub-grant of those dollars to the Library. Currently, the funds come from the County's Library Tax.

In 2004 the County and City entered into an Interlocal Agreement Between Lee County and the City of Sanibel for Library Funding. The City and the Library then entered into an Agreement Between Sanibel Public Library and City of Sanibel for Library Funding.

Among other provisions of the agreements is the requirement that the Library seek to create an independent special taxing district for public library purposes, which would supplant the participation in the County's Library District. The special District was approved by the Legislature and Governor, and approved by the voters in 2005. The new board was elected on March 7, 2006 and the organizational meeting of the new District is March 17, 2006.

REQUEST

Kris Kroslack & Ken Cuyler
March 15, 2006
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The Library wishes to effectuate the transfer of real property and other assets, and of responsibility for operation of the library to the new District. The current agreements are silent on the ability to assign the rights and responsibilities, even though the entire nature of the agreements show that the transfer to a new District is contemplated.

Therefore, it is requested that the County and the City consent to an Assignment and Assumption of Agreements (Sanibel Public Library Interlocal Agreements) substantially as provided in the accompanying form, to allow the new District to receive funding and to assume operations as quickly as possible.

The favorable consideration by your respective governing bodies is appreciated.

Very truly yours,

ROETZEL & ANDRESS, LPA

s/Robert D. Pritt

Robert D. Pritt