

20050346

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No.

1. ACTION REQUESTED/PURPOSE: Review and approve Resolution to initiate statutory, pre-trial intergovernmental conflict resolution procedures in the case of *City of Cape Coral vs. Lee County and the School District of Lee County*, Case No. 04-CA-004831.

2. WHAT ACTION ACCOMPLISHES: Passage of a resolution expresses the Board's intention to begin the procedures outlined in Section 164 Fla. Stat. in an attempt to resolve matters without further legal action.

3. MANAGEMENT RECOMMENDATION: In an attempt to accelerate the potential for settlements and contain costs, the legislative mandated local governmental entities' participation in these procedures.

4. Departmental Category: 12

AIRA

5. Meeting Date:

03-29-2005

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner CW
Department County Attorney
Division Litigation
By: Jack N. Peterson

9. Background:

The City of Cape Coral filed a lawsuit against the County and the School Board challenging the School Board's denial of impact fee monies for capital improvements related to two charter schools within the City. Florida law requires that prior to further court action, the parties attempt to resolve the matter through a series of public meetings of staff, elected officials and mediation. Should these attempts fail, the matter returns to Court for resolution through litigation. The Resolution upon approval gives notice of our intention to proceed with the dispute resolution steps.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	RK-3/10	25 3/10/05	12 3/10/05	12 3/10/05	<i>[Signature]</i> 3-16-05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other



**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA** **CIVIL ACTION**

CITY OF CAPE CORAL, a Florida
municipal corporation,

Plaintiff,

vs

Case No. 04-CA-004831
Judge R. Thomas Corbin

LEE COUNTY, a political
subdivision of the State
of Florida, and THE SCHOOL
DISTRICT OF LEE COUNTY, FLORIDA,

Defendants.

**RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS OF LEE COUNTY**

WHEREAS: The City of Cape Coral, a Florida municipality has initiated legal proceedings against Lee County and the Lee County School Board regarding the use of impact fees relating to charter schools; and,

WHEREAS: The Board of County Commissioners believes that the parties, pursuant to Florida law, should exhaust extra-judicial alternatives in attempting to resolve the issues of the lawsuit;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County:

1. Lee County intends to initiate the procedures promulgated in Chapter 164, Florida Statutes, the "Florida Governmental Conflict Resolution Act."
2. The County Attorney shall give all parties notice of the Board's intention as provided by the Act and proceed to schedule events, meetings, and other matters as required.

THE FOREGOING RESOLUTION was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner _____, and seconded by Commissioner _____ and passed.

DULY PASSED AND ADOPTED this _____ day of _____
A.D., 2005.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of County Attorney