

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

**Blue Sheet No. 20050590**

**1. ACTION REQUESTED/PURPOSE:**

Authorize the Chairman or Vice Chairman to sign a resolution for the authorization, execution and delivery of a Bond Purchase Agreement that meets certain specific criteria in connection with the Transportation Facilities Revenue Bonds, Series 2005B (Sanibel Causeway). Authorize other approvals as necessary contained in this resolution. Allows greater flexibility in marketing the Transportation Facilities Revenue Bonds, Series 2005B (Sanibel Causeway).

**2. WHAT ACTION ACCOMPLISHES:**

Allows the Bond Purchase Agreement to be signed (if the bonds are sold) without reconvening the Board of County Commissioners.

**3. MANAGEMENT RECOMMENDATION:**

Approve the Delegating Resolution for the Transportation Facilities Revenue Bonds, Series 2005B

**4. Departmental Category:**

*AIA*

**5. Meeting Date:**

*05-24-2005*

**6. Agenda:**

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

**7. Requirement/Purpose: (specify)**

- Statute
- Ordinance
- Admin. Code
- Other

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department County Administration  
 Division Budget Services  
 By: Antonio Majul, Budget Director

**9. Background:**

On June 10, 2003, the Board of County Commissioners authorized the County staff to proceed to prepare documents for the Transportation Facilities Revenue Bonds, Series 2004 (Sanibel Causeway). At that time, the BOCC also approved selection of the Disclosure Counsel, Bond Counsel and Underwriters (Blue Sheet #20030629). On December 9, 2003 the BOCC authorized a delegating resolution to market those bonds. (Blue Sheet #20031393). Those bonds had expected to be available for delivery on January 7, 2004. Lawsuits were filed against Lee County by the City of Sanibel and Save our Bay, Inc. on January 5, 2004. Ratings and insurance commitments were withdrawn upon notice of the lawsuits and the bond closing was cancelled.

On September 27, 2004 the Circuit Court granted the County's Motion to dismiss the Save Our Bay, Inc. lawsuit. On March 1, 2005, Lee County and the City of Sanibel reached agreement to withdraw the City Litigation.

It is now the intent of the County to again finance bonds for the construction of a new Sanibel Causeway.

The Series 2005B Bonds will be issued to finance a portion of the costs of Span A, Span B and Span C of the Sanibel Causeway. Span A will be replaced with a fixed-span bridge to be constructed approximately 10 feet east of the existing span and connected to an existing spoil island. Span B will be replaced with a fixed-span to be constructed approximately 10 feet west of the existing span and connected to an existing spoil island. Span C will be replaced with a fixed-span bridge to be constructed approximately 10 feet east of the existing span and connected to Sanibel Island.

**BACKGROUND CONTINUED ON PAGE 2....**

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
<i>[Signature]</i>				<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.
<i>5/9/05</i>				<i>5/10/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
Date: <i>5/9/05</i>
Time: <i>1:05</i>
Forwarded to:

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
5-10-05 <i>mp</i>
9:10
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
<i>5-12-05</i>
<i>3pm</i>

**Bluesheet 20050590 continued.....**

The bond issue par amount is currently estimated to be \$68.7 million. A county cash contribution of \$20.5 million from surplus toll revenues to the project will supplement the bond funds. In addition, an existing commercial paper loan for \$20 million and an additional \$8 million commercial paper loan for a new toll plaza are included. Both are expected to be repaid by 2009. State loans totaling \$4.0 million and a Renewal and Replacement Fund allocation of \$2.6 million round out the other sources of funds. Total project cost is estimated to be \$123.8 million.

These bonds will be sold when specific criteria can be met in the market place. The governing body generally should approve bond sales within a maximum of 48 hours. This agenda item will allow the implementation of a Delegating Resolution that gives the authorization to the Chairman or Vice Chairman to execute the Bond Purchase Agreement without a meeting of the BOCC. This allows greater flexibility in selecting the most appropriate day of the week depending upon the changes in the market.

**The Delegating Resolution specifies certain conditions that must be met. For the Transportation Facilities Revenue Bonds, Series 2005B, the following criteria are included:**

- The issue cannot exceed \$75,000,000;
- The Underwriter's Discount cannot exceed \$3.80 per bond or .38% of the par amount of the Series 2005B Bonds;
- True Interest Cost (TIC) cannot exceed 6.00% per annum;
- The first call date cannot be later than October 1, 2015;
- The final maturity cannot be later than October 1, 2035;
- Call premium cannot exceed 0% (par) of the Series 2005B Bonds to be redeemed;
- Receipt by the BOCC Chairman of a disclosure statement and a truth-in-bonding statement of the Underwriter;
- Receipt of a good faith deposit in the amount no less than 1% of the par amount;

This resolution also authorizes the execution and delivery of the Official Statement (OS), appoints the paying agent and registrar for the bonds, authorizes execution and delivery of a bond purchase agreement, approves the execution and delivery of a continuing disclosure certificate and authorizes municipal bond insurance as well as an effective date for the bonds.

The underwriters approved for this transaction by the BOCC on June 10, 2003 are as follows:

1. UBS Financial Services	40%
2. Citigroup Global Markets, Inc	20%
3. Morgan Stanley	20%
4. Raymond James & Associates, Inc.	10%
5. Samuel A. Ramirez & Co. – MBE	5%
6. Jackson Securities – MBE	5%
	100%

Nabors, Giblin & Nickerson, PA is the Bond Counsel and Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel PA is the Disclosure Counsel. Public Financial Management is the Financial Advisor.

**SUPPORTING DOCUMENTS TO COME**