

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

Blue Sheet No. 20061663

1. ACTION REQUESTED/PURPOSE:

Request Board approve Interlocal Agreement in the amount of \$3,354 with the City of Bonita Springs to subsidize the fares for the Bonita Springs Trolley from January 18, 2007 through April 15, 2007.

2. WHAT ACTION ACCOMPLISHES: Provides "Free Fares" on the Bonita Trolley from January 18, 2007 through April 15, 2007.

3. MANAGEMENT RECOMMENDATION: Approval

4. Departmental Category: 6. <u>COH</u>		5. Meeting Date: <u>JAN 09 2007</u>
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)	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input type="checkbox"/> Other	
8. Request Initiated:		
Commissioner _____		
Department <u>Independent</u>		
Division <u>LeeTran</u>		
By: <u>Steven L. Myers, Director</u>		

9. Background:

The City of Bonita Springs has agreed to subsidize the fares on the Bonita Trolley during the same period as the Town of Fort Myers Beach provides free fares. The entire trolley system will be "free fares" from January 18, 2007, through April 15, 2007. This interlocal formalizes the process.

Revenue Account: KI5440148600.344300.9003 (Independent Division, Fixed Route, Transit Operating, Beach Trolley Fares)

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.	
<u>S. Myers</u> 12/18/06	N/A	N/A	N/A	<u>S. Boni</u> 12/29/06	<u>RK</u> 12/21	<u>JS</u> 12/21	<u>PT</u> 12/21/06	<u>PT</u> 12/21/06	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <u>12/21 8:00 AM</u>
COUNTY ADMIN FORWARDED TO: <u>12/22 10:00</u> <u>PR</u>

Rec. by CoAtty <u>12/22/06</u>
Date: <u>12/22/06</u>
Time: <u>1:55 PM</u>
Forwarded To: <u>Admin. 12/22/06</u>



*City of
Bonita Springs*

9101 BONITA BEACH ROAD
BONITA SPRINGS, FL 34135
TEL: (239) 949-6262
FAX: (239) 949-6239
www.cityofbonitasprings.org

Jay Arend
Mayor

Richard Ferreira
Councilman
District One

Alex Grantt
Councilman
District Two

Patrick McCourt
Councilman
District Three

John Joyce
Councilman
District Four

Martha Simons
Councilwoman
District Five

Ben L. Nelson, Jr.
Councilman
District Six

Gary A. Price
City Manager
Tel. (239) 949-6238

Audrey E. Vance
City Attorney
Tel. (239) 949-6254

City Clerk/Treasurer
Tel: (239) 949-6250

Public Works
Tel: (239) 949-6246

Code Enforcement
Tel: (239) 949-6257

Parks & Recreation
Tel: (239) 992-2556

December 11, 2006

Steve Myers, Transit Director
Lee Tran
6035 Landing View Road
Fort Myers, Florida 33907

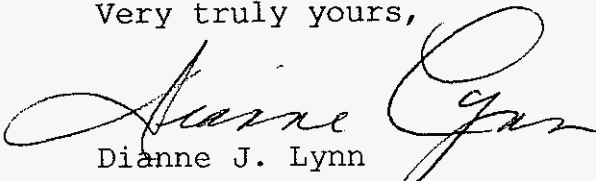
Re: Lee Tran Interlocal
Agreement

Dear Mr. Myers:

Enclosed please find three originals of the above referenced Interlocal Agreement, as approved by City Council on December 6, 2006. Once fully executed, please retain a copy for your records, and return the remaining two originals to my attention.

If you need anything further, or if I can be of further assistance, please feel free to call.

Very truly yours,


Dianne J. Lynn
City Clerk

DJL:dam
Enclosure

DEC 14 2006

**INTERLOCAL AGREEMENT PROVIDING TRANSIT SERVICE
BY AND BETWEEN LEE COUNTY, FLORIDA AND
THE CITY OF BONITA SPRINGS, FLORIDA**

THIS INTERLOCAL AGREEMENT is made and entered into this _____ day of _____, 2006, by and between **LEE COUNTY**, a political subdivision and charter county of the State of Florida, hereinafter referred to as County, acting by and through its Board of County Commissioners, the governing body thereof, and the **City of Bonita Springs**, a municipal corporation of the State of Florida, hereinafter referred to as City, acting by and through its City Council, the governing body thereof; collectively the Parties hereto.

RECITALS:

WHEREAS, both the County and City are duly empowered pursuant to Florida Statutes, in particular, Section 163.01, to enter into Interlocal Agreements for the sharing of certain governmental powers and obligations; and

WHEREAS, the City desires transit service to provide transportation opportunities, reduce its traffic congestion and increase the availability for means of transportation other than by motor car; and,

WHEREAS, transit service provides an alternative mode of transportation to the city; and is an important step towards solving the traffic congestion problems in the City; and,

WHEREAS, the County and City are working in partnership to ensure the successful transit service to the City; and,

WHEREAS, the County and City find that entering into this Interlocal Agreement serves a public purpose and is to the benefit of the public.

NOW, THEREFORE, in consideration of the above recitations and the mutual covenants herein set forth, the Parties hereto mutually agree as follows:

SECTION ONE: PURPOSE

The purpose and intent of this Interlocal Agreement is to define the terms and conditions by which the Parties will provide a program for free fares on the Bonita Trolley from January 18, 2007 through April 15, 2007, to the citizens of Bonita Springs.

The Parties agree that the above named County and City will enter into this Interlocal Agreement. This Interlocal Agreement shall be binding only upon the Parties that execute this Interlocal Agreement. No Party that executes this Interlocal Agreement shall be bound by its terms to any third party who has not entered into this Interlocal Agreement.

SECTION TWO: OPERATION, ROUTES AND FARES

- A. The County currently operates and funds the Bonita Trolley located on Bonita Beach within the City.
- B. The County will provide free fares on this route to encourage and promote ridership of the Bonita Trolley from January 18th 2007 through April 15, 2007.

SECTION THREE: PROMOTION OF TRANSIT SERVICES

- A. County shall provide printed schedules for distribution to the media and public at locations throughout the County and the City for the purpose of actively promoting use of the transit.
- B. Selling of advertising on the buses/trolleys shall be the right and responsibility of the County (Lee Tran) and any advertising revenues shall accrue to the County (Lee Tran).

SECTION FOUR: COST OF SERVICE; FUNDING SOURCE

- A. The amount of the subsidy for the term of this Agreement to provide free fares will be \$3,354 and will be billed to the City in advance of the free fares, commencing on January 18, 2007, and due within thirty (30) days. Cost breakdown is attached hereto and marked Exhibit A.
- B. City hereby warrants that it will use a legally available funding source to pay for the additional transit services. Should a court of competent jurisdiction determine that any payment was not properly appropriated; City shall reimburse and repay the County.

SECTION FIVE: MONITORING, AUDIT

- A. County personnel will monitor, inspect, evaluate and direct the transit operations as necessary for a successful project.
- B. All cost records and accounts shall be subject to audit by representative(s) of either the City or County, at their election, during normal work hours and upon reasonable notice. Said records and accounts shall be made available at the respective Party's offices at a location in Lee County, Florida.

SECTION SIX: MODIFICATIONS, DISPUTE RESOLUTION AND TERMINATION

- A. All modifications to Interlocal Agreement hereto must be in writing signed by both Parties with the same formality as that contained herein.
- B. Any disputes arising from this Agreement which can not be resolved by the Parties may be settled through arbitration of the disputed matters by

following the procedures as set forth in Section 44.104, Florida Statutes, or the Parties may utilize any other legal remedies available to either Party with respect to the disputed matters.

- C. Either Party may terminate this Agreement for any reason by giving the non-terminating party thirty (30) days written notice of its cancellation.

SECTION SEVEN: LIABILITY AND INSURANCE

- A. Parties agree that by execution of the Agreement, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability as provided for in Section 768.28, Florida Statutes, as may be revised or amended from time to time.
- B. County shall furnish insurance coverage in an amount not less than one million dollars (\$1,000,000).

SECTION EIGHT: NOTICES

All notices to the City and the County under this Interlocal Agreement must be in writing and delivered by certified mail, return receipt requested, or by deposit within Federal Express or other nationally recognized carriers and shall be directed to the following address:

For the City: City Manager
City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

For the County: Transit Director
Lee Tran
6035 Landing View Road
Fort Myers, Florida 33907

SECTION NINE: EFFECTIVE DATE AND PERIOD OF AGREEMENT

This Interlocal Agreement shall commence on January 18, 2007 through April 15, 2007. If said execution of Interlocal Agreement occurs after January 18, 2007, it shall become retroactive with all terms and conditions having the effective date of January 18, 2006.

SECTION TEN: SEVERABILITY

If any provision of this Interlocal Agreement is held invalid, the remainder of the Interlocal Agreement shall not be affected thereby and all other parts of this Interlocal Agreement shall nevertheless be in full force and effect.

SECTION ELEVEN: FILING

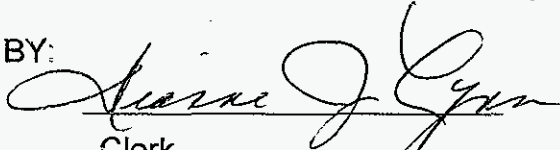
This Interlocal Agreement and any subsequent amendments hereto shall be filed with the Lee County Clerk of the Circuit Court, Minutes Department, and the Clerk of the City of Bonita Springs.

IN WITNESS WHEREOF, the PARTIES hereto, have caused this Interlocal Agreement to be executed on the day and year first above written.

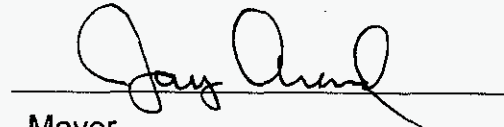
ATTEST: CLERK, City of Bonita Springs

City of Bonita Springs

BY:

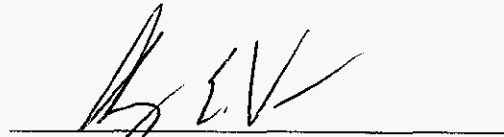

Clerk

BY:


Mayor

APPROVED AS TO FORM:

BY:


City Attorney

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY
COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:

Deputy Clerk

BY:

Chairperson

APPROVED AS TO FORM:

BY:

Office of the County Attorney

Exhibit A

**FY 07 Bonita Trolley Free Fares
January 18, 2007 thru April 15, 2007**

Ridership	Cost
13,415	\$ 3,354