

Agenda Item Summary

**1. ACTION REQUESTED/PURPOSE:** Approve Amendment No. 3 to the Interlocal Agreement with Charlotte County for Solid Waste Collection and Disposal for Gasparilla Island (Lee Contract # 356) providing Lee County residents of Gasparilla Island use of Charlotte County's Mini-Transfer & Recycling facilities.

**2. FUNDING SOURCE:** No Funds Required.

**3. WHAT ACTION ACCOMPLISHES:** This amendment allows Lee County residents of Gasparilla Island access to Charlotte County's Mini-Transfer and Recycling facilities.

**4. MANAGEMENT RECOMMENDATION:** Approve

<b>5. Departmental Category:</b> C8B		<b>6. Meeting Date:</b> 5/22/07
<b>7. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>8. Requirement/Purpose: (specify)</b>	
	<input type="checkbox"/> Statute	<b>9. Request Initiated:</b> Commissioner District 1 Department Public Works Division Solid Waste By: <u>Lindsey J. Sampson</u> 
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	
Interlocal Agrmt		

**10. Background:**

On December 13, 1994, the Lee County BOCC entered into an Amended Interlocal Agreement with Charlotte County that provides for the collection and disposal of solid waste on Gasparilla Island.

On January 11, 2000, the BOCC approved Amendment 1 to the Amended Interlocal Agreement, which extended the term of the 1994 Amended Interlocal Agreement until April 29, 2004.

On December 16, 2003, the BOCC approved Amendment No. 2 which provided for an additional five and one-half year extension of this Agreement through September 30, 2009.

This Amendment No. 3 allows Lee County residents of Gasparilla Island access to Charlotte County's Mini-Transfer & Recycling facilities. Conversely, should Lee County provide special collection events on Gasparilla Island, Charlotte's island residents may participate at such events.

Attachments: Draft Amendment

**11. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
5.8.07	N.A.	N.A.		S. Parn 5/8/07	Analyst 5/9/07	Risk 5/9/07	Grants 5/9/07	Mgr. 5/9/07	5.8.07

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 5/9 9:30 AM.

COUNTY ADMIN FORWARDED TO: 5/10/07 10:30

Rec. by CoAtty

Date: 5/8/07

Time: 10:00 AM

Forwarded To: Admin. 5/8/07 1:51 PM

**AMENDMENT 3 TO AMENDED INTERLOCAL AGREEMENT  
FOR SOLID WASTE COLLECTION AND DISPOSAL  
FROM GASPARILLA ISLAND, FLORIDA**

This Amendment 3 is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2007, by and between Lee County, a political subdivision of the State of Florida, and Charlotte County, also a political subdivision of the State of Florida.

WITNESSETH

WHEREAS, on December 13, 1994, the parties entered into an "Amended Interlocal Agreement for Solid Waste Collection and Disposal from Gasparilla Island, Florida," attached hereto as Exhibit "A" and incorporated herein by reference, which amended and restated a previous interlocal agreement entered into on June 27, 1990; and

WHEREAS, on November 22, 1999, the parties entered into "Amendment 1 to Amended Interlocal Agreement for Solid Waste Collection and Disposal from Gasparilla Island, Florida," extending the term of the 1994 Amended Interlocal Agreement until April 29, 2004; and

WHEREAS, on December 16, 2003, the parties entered into "Amendment 2 to Amended Interlocal Agreement for Solid Waste Collection and Disposal from Gasparilla Island, Florida," further extending the term of the 1994 Amended Interlocal Agreement through September 30, 2009; and

WHEREAS, the parties now wish to amend the 1994 Amended Interlocal Agreement to allow Lee County residents of Gasparilla Island access to Charlotte County's Mini-Transfer & Recycling facilities.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, Lee County and Charlotte County hereby agree as follows:

1. Paragraph 1 of the "Amended Interlocal Agreement for Solid Waste Collection and Disposal from Gasparilla Island, Florida," entered into by the parties on December 13, 1994, is hereby amended to read as follows:

1. *Charlotte County shall permit and the Charlotte County Landfill shall accept solid waste from the Lee County portion of Gasparilla Island to be deposited into designated Charlotte County solid waste disposal facilities, except as otherwise stated herein.*

*In addition, Lee County residents of Gasparilla Island shall also have access to and use of Charlotte County's Mini-Transfer & Recycling facilities that are operated by Charlotte County's Solid Waste Management Division, and designed and operated for specific residential materials generated by residential units. Such access shall be under the same conditions and restrictions currently established by Charlotte County, or as may be modified from time to time at the sole discretion of Charlotte County, including (but not limited to) the types of material or quantities of materials accepted, hours of operation, proof of residency, or other conditions identified by Charlotte County as necessary to operate its Mini-Transfer & Recycling facilities. Lee County shall seek prior approval for and coordinate with Charlotte County's Solid Waste Management Division concerning any communications or promotional materials for Lee County's Gasparilla Island residents regarding the use of the Mini-Transfer & Recycling facilities.*

*Charlotte County residents of Gasparilla Island shall also have access to and use of Lee County's solid waste events and services that are operated by Lee County's Solid Waste Department, held for specific residential materials generated by residential units such as community clean up events, household hazardous waste collection events and similar solid waste services offered to residents on Gasparilla Island. Such access shall be under the same conditions and restrictions currently established by Lee County, or as may be modified from time to time at the sole discretion of Lee County, including (but not limited to) the types of material or quantities of materials accepted, hours of operation, proof of residency, or other conditions identified by Lee County as necessary in the delivery of these solid waste services.*

2. All other provisions of the "Amended Interlocal Agreement for Solid Waste Collection and Disposal from Gasparilla Island, Florida," dated December 13, 1994, shall remain in full force and effect.

3. This Amendment 3 shall take effect on the day and year first above written.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
Richard D. Loftus, Chairman

ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and Ex-Officio Clerk to the  
Board of County Commissioners

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Janette S. Knowlton, County Attorney

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Robert Janes, Chair

ATTEST:  
Charlie Green, Clerk of Courts

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM

By: \_\_\_\_\_  
Office of the Lee County Attorney