

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

Blue Sheet No. 20030314

1. REQUESTED MOTION:

ACTION REQUESTED: Request Board approve Memorandum of Understanding (MOU) Agreement No. 401813K010 between the United States Department of Interior, Fish and Wildlife Service (FWS), J.N. Ding Darling National Wildlife Refuge and Lee County. Provides for a continued partnership for interpretive programs at Manatee Park.

WHY ACTION IS NECESSARY: Board formally approves MOU with the Fish and Wildlife Service.

WHAT ACTION ACCOMPLISHES: Enables Lee County and the FWS to continue a partnership to provide interpretive programs to enhance public awareness about other Florida endangered species to the children and other visitors to Manatee Park.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 05

C11A

3. MEETING DATE:

04-01-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Parks & Recreation
- C. DIVISION _____

BY: John Yarbrough

John Yarbrough

7. BACKGROUND:

The purpose of this MOU is to continue and strengthen the partnership between FWS and Lee County Parks and Recreation to provide an interpretive program to enhance public awareness about other Florida endangered species to children and other visitors to Manatee Park. The current Memorandum of Agreement (MOA) with Ding Darling has been in effect for six years and an employee has been provided to Lee County at Manatee Park. The position has been upgraded to provide additional months worth of programming up to eight months in a calendar year. If Lee County Parks and Recreation so chooses to request this position for the additional two months, FWS has requested that the county agree to pay for the additional salary. This would amount to approximately \$4,200. Funds will be made available in account #KH5722000100.508120.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | | | | G County Manager |
|--------------------------|------------------------------|----------------------|------------|----------------------|----------------------|-------------|----------------|-------------------|---------------------|
| <i>3/17/03</i> | <i>[Signature]</i> | | | <i>[Signature]</i> | OA | OM | Risk | GC | <i>[Signature]</i> |
| | | | | <i>3/20/03</i> | <i>CA 3/20</i> | <i>3/20</i> | <i>3/20/03</i> | <i>PM 3/20/03</i> | |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *3/19/03*
Time: *3:45 PM*
Forwarded To: *Budget*
3/20/03 8:45am

RECEIVED BY
COUNTY ADMIN. *CA*
3-20-03
9:30
COUNTY ADMIN.
FORWARDED TO: *BH*
3/20 3:00

AGREEMENT NO. 401813K010

Memorandum of Understanding

Between

**United States Department of Interior
Fish and Wildlife Service
J.N. "Ding" Darling
National Wildlife Refuge**

And

**Lee County Parks and Recreation
Lee County, Florida**

This Memorandum of Understanding (hereinafter MOU) is hereby made and entered into by and between the U.S. Department of the Interior, Fish and Wildlife Service (hereinafter FWS) and the Lee County Parks and Recreation (hereinafter the County). The FWS and County are hereinafter referred to collectively as the Partners.

WITNESS:

WHEREAS, the mission of the National Wildlife Refuge System is to preserve a national network of lands and waters for the conservation and management of fish, wildlife, and plant resources of the United States for the benefit of present and future generations.

WHEREAS, the FWS has a responsibility to provide interpretive and educational programs that enhance the American public's appreciation of our Nation's resources; and

WHEREAS, the FWS has authority to engage in this Memorandum of Understanding by virtue of (16 USC 460) Refuge Recreation ACT and Public Law 93-205, Endangered Species Act; and

WHEREAS, the FWS South Florida Ecosystem Management Team has the responsibility to provide public education and outreach opportunities to counties effected by the South Florida Restoration Project; and

WHEREAS, the FWS has authority under the Endangered Species Act to engage in such activities for the sole purpose of protecting the endangered manatee, and to enhance public awareness regarding the status of this marine mammal; and

WHEREAS, the County has authority to engage in this Memorandum of Understanding by virtue of Florida Statutes Chapter 125; and

WHEREAS, the children of Lee County have participated in the conceptual plan of Lee County Manatee Park, and

WHEREAS, the children of Lee County Public Schools will engage in environmental education programs and interpretive activities to learn about manatees, wildlife conservation, the ecology of the Caloosahatchee River System and the South Florida Restoration Project, and

WHEREAS, the agreement is for the purpose of developing a partnership between the U.S. Fish and Wildlife Service and the Lee County Parks and Recreation in establishing Manatee Park in Ft. Myers, Florida. The FWS, in cooperation with the County will, provide interpretive programs to enhance public awareness about other Florida endangered species, provide information about the restoration efforts now underway in the Southwest Florida ecosystem and the mission of the U.S. Fish and Wildlife Service.

Witness: That for the consideration hereinafter mentioned, the parties hereto agree as follows:

A. The FWS shall:

1. The FWS will provide one career seasonal (permanent part-time), not to exceed eight months per year, to be stationed at Lee County Manatee Park. For the purpose of providing assistance (see B.1 and C.1-2. below) for one career-seasonal interpreter to be used during the winter season at Manatee Park. The interpretive employee will be used to provide interpretive talks, demonstrations, and give out general information about manatees to the public.
2. The FWS will pay for six months of the employee's salary (see B.2).
3. The FWS will assist with Law Enforcement operations in waters in and around Manatee Park to enforce endangered species laws concerning the Florida Manatee in accordance with federal and state regulations.

B. The County shall:

1. The County will be responsible for staffing the visitor center building and oversee the security of all exhibits.
2. The County will annually provide the FWS with up to two months salary to assist with the employment of this FWS employee after the first six months salary paid by FWS.

3. Interpretive materials will be reviewed and approved by County Staff.

C. Both Parties Agree:

1. Agree that the FWS will be immune from liability for the people or property using Manatee Park. Participation of the parties in this agreement is not intended to place said parties in a position of liability for claims that arise as a result of project activities. Each party shall have responsibility for acts and injury to, or injury and damage caused by, its own personnel and its property, occurring incidental to the conducts of approved projects initiated under this agreement.
2. Agree that nothing in this memorandum obligates any party to expand funds or commit employee/staff not appropriated and administratively allocated for such purposes.
3. The FWS and County will share joint supervision of this employee. The County supervisor will contact the FWS supervisor regarding job performance of the employee on a monthly basis.
4. The County supervisor will notify the FWS supervisor regarding work activities of the employee, such as schedule changes, annual leave, holiday pay, overtime, sick leave, ordering interpretive supplies and other matters.
5. The FWS and the County supervisor will coordinate with each other to determine the first and last dates of employment for this FWS employee.
6. The employee will be required to attend monthly staff meetings held at J.N. "Ding" Darling National Wildlife Refuge.
7. The employee is required to wear a U.S. Fish and Wildlife Service uniform while performing their duties at Lee County Manatee Park.
8. The FWS and the County supervisor will coordinate with each other to provide the employee with an appropriate employee performance evaluation.
9. This agreement may be terminated by either party with 90 days written notice.
10. Modifications to this agreement may be proposed at any time during the period of performance by either party and shall become effective upon written approval of both parties.

D. Period of Performance:

This MOU shall become effective upon signing and shall remain in force for the period of January 1, 2003 to December 31, 2008

E. Points of Contact:

1. For the FWS:

Kevin Godsea
U.S. Fish and Wildlife Service
J.N. "Ding" Darling National Wildlife Refuge
1 Wildlife Dr.
Sanibel, FL 33957

2. For the County:

John Kiseda
Lee County Parks and Recreation
7330 Gladiolus Drive
Ft Myers, FL 33908

IN WITNESS WHEREOF, the Parties hereto have caused this Memorandum of Understanding to be executed by their authorized officer,

ATTEST:

CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

WITNESSES:

U.S. FISH AND WILDLIFE SERVICE

By: _____
Agency Official

APPROVED AS TO LEGAL FORM

By: _____
Assistant County Attorney