

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

Blue Sheet No. 20020692

1. REQUESTED MOTION:

ACTION REQUESTED: Approve amendment to the Interlocal Agreement between Lee County and the City of Bonita Springs regarding services provided by Lee County Division of Natural Resources ("Natural Resources"). Authorize Commissioner's signature on the amended Interlocal Agreement. Approve budget resolution for Bonita Beach Renourishment Project (203039) in the amount of \$81,000.00 for unanticipated revenues and amend the FY01/02-06/07 CIP accordingly.

WHY ACTION IS NECESSARY: Board of County Commissioners' approval is required to amend the agreement with Bonita Springs for beach restoration and for project management services provided by Natural Resources.

WHAT ACTION ACCOMPLISHES: Finalizes the Amended Interlocal Agreement with City of Bonita Springs.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT 8-Nat. Resources **C8D**

3. MEETING DATE:

06-25-2002

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER- Agreement

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Natural Resources
- C. DIVISION **EO**
- BY: Roland Ottolini **6-12**

7. BACKGROUND:

On August 14, 2001, the Board of County Commissioners executed an Interlocal Agreement with the City of Bonita Springs for beach restoration. The interlocal agreement is being amended to allow for cost sharing of certain expenses not paid by the State such as project management, permit fees and travel expenses. The Department of Natural Resources has agreed to act as the project manager. The estimated project management time is 840 hours.

In order to finalize the Amended Interlocal Agreement it is necessary for the Board to approve the amendment. Funds will be deposited in 20303930107.337700.9006.

Attachments: Amended Interlocal Agreement-First Modification (3) with Exhibit "A" (3)

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>J. Lavender</i> Date: 6-12-02	<i>[Signature]</i> 6/13/02	N/A		<i>[Signature]</i> 6/11/02	OA <i>[Signature]</i> 6/13/02	OM <i>[Signature]</i> 6/13/02	RISK <i>[Signature]</i> 6/13/02	GC <i>[Signature]</i> 6/13/02	<i>J. Lavender</i> Date: 6-12-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN. 6-13-02 2:50 pm
COUNTY ADMIN. FORWARDED TO: 6/13/02



*City of
Bonita Springs*

9220 BONITA BEACH ROAD
SUITE 111
BONITA SPRINGS, FL 34135
TEL: (239) 390-1000
FAX: (239) 390-1004

Paul D. Pass
Mayor

Wayne P. Edsall
Councilman
District One

Jay Arend
Councilman
District Two

R. Robert Wagner
Councilman
District Three

John C. Warfield
Councilman
District Four

David T. Piper, Jr.
Councilman
District Five

Ben L. Nelson, Jr.
Councilman
District Six

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Gary A. Price
City Manager

Audrey E. Vance
City Attorney

June 7, 2002

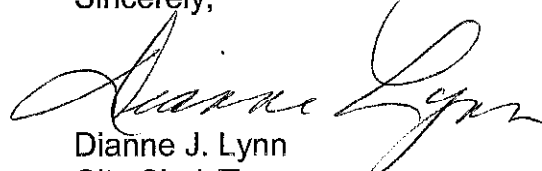
02 JUN 10 AM 8:06
LEE CO. ATTORNEY

Ms. Kristie Kroslack
Lee County Attorney
P.O. Box 398
Fort Myers, FL 33902

Dear Ms. Kroslack:

Enclosed you will find three originals of the Interlocal agreement for Bonita Beach restoration for the City of Bonita Springs which was approved by the Bonita Springs City Council on June 5, 2002. After the agreement has been approved by the County Commission, please return a fully executed copy for our files.

Sincerely,


Dianne J. Lynn
City Clerk/Treasurer

Encl.

cc: Audrey Vance, City Attorney

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
LEE COUNTY AND THE CITY OF BONITA SPRINGS
REGARDING SERVICES PROVIDED BY LEE COUNTY
DIVISION OF NATURAL RESOURCES FOR
BONITA BEACH RESTORATION**

This Interlocal Agreement, made and entered into this ____ day of _____, 2002, by and between LEE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and the CITY OF BONITA SPRINGS, a municipal corporation of the State of Florida, hereinafter referred to as the "City."

WITNESSETH:

WHEREAS, the County, pursuant to 161.25, Florida Statutes, has the authority to develop and execute plans for beach and shore preservation and to enter into an Interlocal Agreement for the contracting of certain shared powers, obligations and duties; and

WHEREAS, the parties previously entered into an Interlocal Agreement for Bonita Beach Restoration on August 14, 2001; and

WHEREAS, the parties now desire to amend the Interlocal Agreement to provide for the cost allocation of expenses not cost shared by the State of Florida. More specifically, permit application fees, out of county travel by County staff and County staff time for project management; and

NOW, THEREFORE, in consideration of the foregoing, and of mutual covenants and conditions hereinafter set forth, the City and the County, intending to be legally bound, hereby agree to this First Amendment, as follows:

1. The recitals as set forth above are incorporated into the terms of the original agreement.
2. **SECTION FOUR: COST ALLOCATION** is amended as follows: The cost allocation between the City and County will be based on the total project costs, which will include the final project costs for the project at completion, as certified by the County, and any out of pocket expenses, defined as project costs not paid for by the City and expended by the County for the project, such as permit fees, project management and out of county travel expenses. The City will cost share expenses not paid by the State based on the following cost share percentages: City 44.4% and County 55.6%. The estimated costs are described in Exhibit "A" which is attached.

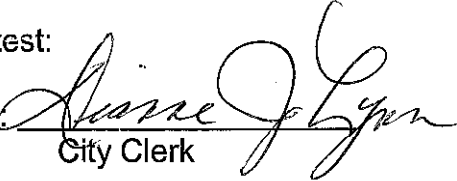
3. **SECTION EIGHT: CANCELLATION OF THE AGREEMENT** is amended as follows: Either Party may cancel this Agreement at any time. Any costs incurred with this project prior to a cancellation will be borne by the Party canceling the project.


4. The City will advance the County the funds upon adoption of this Interlocal Agreement Amendment. The funds will be held in an interest-bearing escrow account in the County's name. This account shall be provided to the Lee County Clerk to draw against for project expenses.

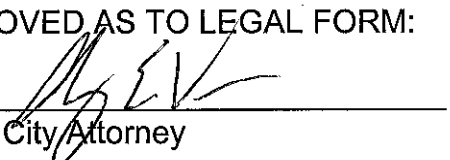
5. All other terms of the Interlocal Agreement remain the same.

6. This Interlocal Agreement shall become effective on the date written above. This Agreement, and any subsequent Amendments thereto, shall be filed with the Clerk of the Circuit Court for Lee County.

IN WITNESS WHEREOF, the parties hereto have caused these presence to be executed by their duly authorized officers and their official seals hereto affixed, on the day and year as first written above.

Attest:
By: 
City Clerk

CITY OF BONITA SPRINGS
By: 
Mayor Paul Pass

APPROVED AS TO LEGAL FORM:
By: 
City Attorney

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL FORM:
By: _____
Lee County Attorney's Office

EXHIBIT "A"
First Amendment to Interlocal Agreement
Bonita Beach Renourishment

The following estimated out of pocket expenses are not included in the cost-shared agreement with the Florida Department of Environmental Protection:

Project Management (approx. 2.5% of the project budget) (According to Lee County Internal Fees and Charges Manual, hourly rate for the current fiscal year is \$77. Estimated project management time is 840 hours)	\$65,000
State & Federal Permit Fees	\$15,000
Travel (to DEP office in Tallahassee and/or US Army Corps of Engineers office in Jacksonville) and other miscellaneous charges	\$ 1,000
Total	\$81,000

RESOLUTION

Amending the Fund 30107 Capital Imp.-Bonita Bch Project Fund budget to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2001-2002.

WHEREAS, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend Fund 30107 Capital Imp.-Bonita Bch. Project Fund budget for \$81,000 of the unanticipated revenue from an Interlocal agreement and an appropriation of a like amount into an expense account and;

WHEREAS, the Fund 30107 Capital Imp.-Bonita Bch. Project Fund budget shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES

Prior Total:		\$751,835
Additions		
20303930107.337700.9006	Bonita Beach Interlocal	\$81,000
Amended Total Estimated Revenues		\$832,835

APPROPRIATIONS

Prior Total:		\$751,835
Additions		
20303930107.504022	Out-of-County Travel	\$ 1,000
20303930107.504970	License,Permits & Appl. Fee	15,000
20303930107.506525	Project Management	65,000
Amended Total Appropriations		\$832,835

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Fund 30107 Capital Imp.-Bonita Bch. Project Fund budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2002.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

DOC TYPE YB
LEDGER TYPE BA