

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

Blue Sheet No. 20020813

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize Chairman to sign an interlocal agreement with the Town of Fort Myers Beach, that addresses their participation in Lee County's Hurricane Shelter Deficit Program .

WHY ACTION IS NECESSARY: Board authorization is required of an interlocal agreement between Lee County and a municipality within the County.

WHAT ACTION ACCOMPLISHES: Provides a legal mechanism for the Town of Fort Myers Beach to reimburse their share of the hurricane shelter deficit costs funded through county monies, and to assist in addressing future hurricane shelter and evacuation impacts.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:

A7A

3. MEETING DATE:

08-06-2002

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

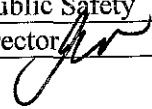
B. DEPARTMENT

Independent

C. DIVISION

Public Safety

BY: John D. Wilson, Director



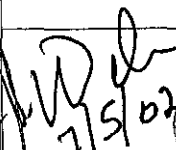

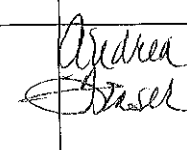

7. BACKGROUND: The Lee County Division of Public Safety has been working with the cities of Lee County to determine means by which they could offset the costs the county has expended to reduce their share of the hurricane shelter deficit. The Town of Fort Myers Beach has chosen to address this issue through the attached inter local agreement.

The agreement sets the terms and conditions for the Town of Fort Myers Beach to reimburse the county for funds expended from the All-Hazards MSTU to address their proportion of the hurricane shelter deficit. It also presents a proposed mechanism that the Town can implement to cover future shelter and evacuation impacts from new development.

Attachment: Two (2) copies of the interlocal agreement.

8. MANAGEMENT RECOMMENDATIONS: Staff recommends approval of the agreement.

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing Or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
 7/5/02	 7/8/02	N/A			OA	OM	Risk	GC	
					7/10/02	7/12/02	7/5	7/10/02	

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

REC'D.
BY CO. ATTY.
7/9/02
11:30 AM
CO. ATTY.
FORWARDED TO:
Budget
7:30 PM

RECEIVED BY
COUNTY ADMIN. PM
7/9 2:00
COUNTY ADMIN.
7/10 12:00

INTERLOCAL AGREEMENT BETWEEN LEE COUNTY
AND THE TOWN OF FORT MYERS BEACH

This INTERLOCAL AGREEMENT is made and entered into this 17th day of June , 2002, 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 TOWN OF FORT MYERS BEACH, a municipal corporation in the State of Florida, hereinafter referred to as "TOWN", acting by and through its Town Council, the governing body thereof, collectively, the "PARTIES", hereto.

WITNESSETH:

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County; and the Town Council is the governing body in and for the Town of Fort Myers Beach; and

WHEREAS, both the COUNTY and the TOWN 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 Section 252.38(3), to appropriate funds and make contracts for emergency management purposes; and

WHEREAS, the TOWN is located on a barrier island which is extremely vulnerable to the effects of adverse weather conditions and other natural or man-caused disasters that require evacuation and/or shelter protection of populations when such disasters threaten the TOWN; and

WHEREAS, the COUNTY is designated the Local Emergency Management Agency pursuant to Chapter 252, Florida Statutes, having the responsibility for "Emergency Management" for the COUNTY; and

WHEREAS, Lee County Goal 79, Objective 79.2 provides that adequate shelter

space will be available for the population in the Hurricane Vulnerability Zone at risk under a Category 3 storm; and

WHEREAS, the COUNTY has an acute hurricane shelter shortage that does not meet the criteria of American Red Cross (ARC) 4496 Shelter Standards; and,

WHEREAS, the COUNTY has implemented a program designed to reduce the hurricane shelter deficit, and has funded structure improvements through monies from the All-Hazards Protection District MSTU; and

WHEREAS, funds from this unincorporated MSTU have been used to offset the TOWN's portion of the hurricane shelter deficit.; and

WHEREAS, the TOWN is willing and wishes to participate with the COUNTY in reducing its share of the current and future hurricane shelter deficit; and

WHEREAS, the PARTIES hereto find that entering into this Interlocal Agreement serves this purpose and is to the public's benefit.

NOW, THEREFORE, it is mutually agreed between the PARTIES as follows:

1. The TOWN agrees to assist the COUNTY in addressing the community's hurricane shelter deficit.
2. The TOWN agrees to reimburse the COUNTY for its share of funds from the ALL-Hazards Protection District MSTU spent on addressing the hurricane shelter deficit since the TOWN incorporated in 1995, which amounts to \$42,218.00. The TOWN can either reimburse the COUNTY this said amount in one lump sum within a year of the execution date of this Interlocal Agreement, or reimburse the COUNTY in equal payments over a period of five years. If the TOWN chooses to reimburse the COUNTY using the lump sum option, the amount owed will be discounted by 5 percent or \$2,111.00.
3. The COUNTY agrees to furnish the TOWN with a list of potential hurricane shelter projects each year at a specified date for the TOWN's review and

consideration. The TOWN's input will be considered in submitting these projects annually as part of the COUNTY's Capital Improvement Project (CIP) budget.

4. The TOWN agrees to consider adopting language similar to that contained in Article XI (Hurricane Preparedness) of the Lee County Land Development Code addressing impact mitigation of new development on the hurricane shelter program.
5. This Interlocal Agreement constitutes the entire agreement between the COUNTY and the TOWN, any verbal understandings, statement or prior writings to the contrary notwithstanding.
6. This Interlocal Agreement shall not be modified unless such modification is in writing and signed by the COUNTY and the TOWN.
7. If any provision of this Interlocal Agreement is held invalid, then 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.
8. The COUNTY or the TOWN may terminate this Interlocal Agreement by giving one (1) year's notice in writing to the other party.
9. 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 TOWN.
10. Pursuant to Section 163.01(11), Florida Statutes, this Interlocal Agreement shall become effective after it has been signed by both the COUNTY and the TOWN, and upon being duly filed with the Clerk of the Circuit Court of Lee County.

IN WITNESS WHEREOF, the TOWN and the COUNTY have executed this Agreement through its duly authorized representative on the day, month and year as written above, which shall also constitute the effective date.

LEE COUNTY BOARD OF COUNTY
COMMISSIONERS

By: _____
Chairman

Date: _____

ATTEST: CHARLIE GREEN

APPROVED AS TO FORM

By: _____
Deputy Clerk

By: _____
Attorney for the County

TOWN COUNCIL OF FORT MYERS
BEACH

By: *Daniel Hughes*
Mayor

APPROVED AS TO FORM:

By: *Phillip R*
Attorney for the Town