

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

Blue Sheet No. 20061512

1. ACTION REQUESTED/PURPOSE: Execute Second Amendment to Interlocal Agreement Between Lee County and the City of Bonita Springs Regarding Services Provided by the Lee County Division of Natural Resources, Surface Water Program for \$100,332 annually for Fiscal Years 2006/2007 and 2007/2008.

2. WHAT ACTION ACCOMPLISHES: Formalizes the continuation of Lee County Division of Natural Resources services to the City of Bonita Springs.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval.

4. Departmental Category: 08

C8A

5. Meeting Date:

DEC 12 2006

6. Agenda:

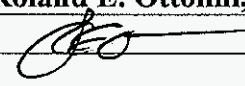
- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other
- Agreement

8. Request Initiated:

Commissioner _____
 Department Public Works
 Division Natural Resources
 By: Roland E. Ottolini, P.E.



9. Background:

On October 3, 2000, the Lee County Board of County Commissioners approved the first interlocal agreement between the City of Bonita Springs and the Lee County Division of Natural Resources for continuation of surface water program services for the City. This is the second amendment to the agreement for services for Fiscal Year 2006/2007 and 2007/2008 with an option for two additional one-year renewals. The Bonita Springs City Council approved this agreement at their meeting of October 18, 2006.

Funds will be deposited into the operating revenue account no. OC5379014600.343700.9002

Attachments: Three (3) original amendments to interlocal agreement.

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.	
<i>11/16/06</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>Address Fraser for scheduling 11/20/06</i>	<i>11/20/06</i>	<i>11/20/06</i>	<i>11/20/06</i>	<i>11/20/06</i>	<i>11/20/06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN: *JD*
 11-16-06
 2:30 mp
 COUNTY ADMIN
 FORWARDED TO:
 11/30/06 mp
 to PR

Rec. by CoAtty
 Date: *11/16/06*
 Time: *11:45 AM*
 Forwarded To:
Admin 11/16/06

**SECOND AMENDMENT TO INTERLOCAL AGREEMENT
BETWEEN LEE COUNTY
AND CITY OF BONITA SPRINGS
REGARDING SERVICES PROVIDED BY LEE COUNTY
DIVISION OF NATURAL RESOURCES
SURFACE WATER
Fiscal Years 2006/2007 and 2007/2008**

This Second Amendment to that certain Interlocal Agreement between Lee County and the City of Bonita Springs regarding services provided by Lee County Division of Natural Resources Surface Water and Natural Resources Programs, entered into originally November 7, 2001 and renewed ~~each year~~ by separate Interlocal Agreement, is made this 18th day of October, 2006, by and between the City of Bonita Springs, a municipal corporation of the State of Florida, acting by and through its City Council, the governing body thereof, "CITY" and LEE COUNTY, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing body thereof, "County" collectively, "the Parties" hereto.

WITNESSETH:

WHEREAS, both the COUNTY and CITY are duly empowered pursuant to Florida Statutes, in particular Section 163.01, Florida Statutes, to enter into interlocal agreements for the contracting of certain shared powers, obligations and duties; and

WHEREAS, the Parties now desire to amend said prior Interlocal Agreement to extend the term for services in for an additional two (2) years.

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 Amendment as follows:

BSC-06-10-224(R)

1. The recitals as set forth above are incorporated into the terms of this Agreement as if set out herein at length.

2. The following Sections are hereby amended, with underlined language being an addition to previously adopted text and deleted language being shown by struck-through type.

SECTION III **SERVICES PROVIDED BY LEE COUNTY DIVISION OF NATURAL RESOURCES, SURFACE WATER**

The County agrees to provide and perform the services required and necessary to complete the services and work of the Surface Water programs to the City of Bonita Springs area pursuant to the Lee County budget for Fiscal Years ~~2004/2005 and 2005/2006~~ 2006/2007 and 2007/2008. The County reserves the exclusive right to prioritize the scope of services to the City on an as needed basis. These services typically include but are not limited to the following:

- Respond to citizen requests for action (RFA) regarding flooding complaints and water quality problems. Includes initial assessment only. Provide stormwater related reviews, analyses, and reports as needed. Response to major floods will be based on staff availability and extent of flooding elsewhere in Lee County.
- Review plans for development that effect regional surface water.
- Provide project management services for South Florida Water Management District funded projects in Imperial River, Leitner Creek, Oak Creek and Spring Creek watersheds.
- Manage mandated NPDES MS4 permit in compliance with the Federal Clean Water Act except for preparation of the City's application, annual report, and permit fee.

- Participate and review regional stormwater studies.
- Monitor and report hydrologic data including rain, river stage, and groundwater levels in the Bonita Springs area.
- Provide surface water system inventory and priority list of recommended improvements for City's use for its capital improvement plan.
- Update flood zone maps in coordination with FEMA. Distribute information and assist development with compliance.
- Review requests for vacation of easements and rights of way to ensure important drainage access.

SECTION IV **PAYMENTS BY CITY**

The City agrees to pay to the County the principal annual sum not to exceed \$100,332.00 in two (2) equal installments for FY 2006/2007 and 2007/2008. ~~2004/2005 and FY 2005/2006~~. The payments will be due and payable on April 1st and September 30th of each fiscal period. The annual payment will provide to the City the services as described herein. Any additional staffing or programs may be further negotiated between the Parties through subsequent amendment(s) to this Interlocal Agreement.

SECTION V **TERM OF INTERLOCAL AGREEMENT**

This Interlocal Agreement shall be deemed effective as of October 1, 2006 ~~October 1, 2004~~ with its execution by both Parties, and will remain in full force and effect until September 30, 2007 ~~September 30, 2006~~, unless terminated for convenience by either party giving thirty (30) days written notice. This Agreement may be renewed

for three (3) additional one (1) year terms upon the mutual written consent of both the City and the County.

4. Acceptance. This 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.

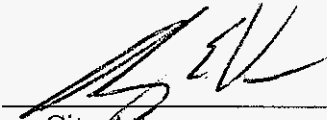
IN WITNESS WHEREOF, the City and the County have executed this Agreement on the day, month, and year first written above.

ATTEST:

CITY OF BONITA SPRINGS

By:  City Clerk By:  Mayor

APPROVED AS TO FORM

By: 
City Attorney

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM

By: _____
Office of County Attorney