

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

Blue Sheet No. 20020627

1. REQUESTED MOTION:

ACTION REQUESTED: Approve and authorize the County Manager to execute attached letter providing authority to the City of Cape Coral Police Department to come onto the Cape Coral Transfer Center to remove trespassers from premises.

WHY ACTION IS NECESSARY: The Board of County Commissioners must approve all Interlocal and Intergovernmental Agreements.

WHAT ACTION ACCOMPLISHES: Provides authority for the Cape Coral Police Department officials to remove trespassers at any and all times from the Cape Coral Transfer Center.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # CW

A12A

3. MEETING DATE:

06-18-2002

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 County Attorney
- C. DIVISION General Services
- BY: Scott S. Coovert,
Assistant County Attorney

7. BACKGROUND:

The Cape Coral Transfer Center is an unmanned facility, and on occasions, trespassers are coming onto the premises to sleep, loiter or other unlawful activities. The Cape Coral Police Department is without authority to remove trespassers from the Cape Coral Transfer Center unless the property owner (Lee County) makes a complaint each time a trespasser comes onto the premises. Sections 810.08 and 810.09, Florida Statutes, provide that any law enforcement officer whose department has received written authorization from the property owner, or his or her agent, may communicate an order to a trespasser to depart the premises in the instance wherein the trespass creates a threat to the public safety or welfare. By having Lee County Government execute such an authorization, Cape Coral Police Officers will then possess the necessary authority to communicate or remove trespassers from the Cape Coral Transfer Center at any and all times.

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
N/A	N/A	N/A	N/A	<i>S. Powell</i> <i>5/30/02</i>	OA <i>CP</i> <i>5/30/02</i>	QM <i>5/30/02</i>	RISK <i>5/30/02</i>	GC <i>5/30/02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

COUNTY CLERK <i>5/30 1100 CA</i>
COUNTY ADMIN. FORWARDED TO: <i>5/30 500</i>



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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Date

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Cape Coral Police Department
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John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

RE: CAPE CORAL TRANSFER CENTER

Diana M. Parker
County Hearing Examiner

Dear Chief Gibbs:

I, Donald D. Stilwell, Lee County Manager, do hereby grant the Cape Coral Police Department permission to warn and direct persons who are trespassing, conducting themselves in a disorderly manner, loitering, or otherwise in violation of Sections 810.08 or 810.09, Florida Statutes, entitled "Trespass", to be removed from the property as referenced above.

Pursuant to the authority granted herein, the Cape Coral Police Department and its officers are authorized representative of the above described property with respect to the enforcement of Sections 810.08 or 810.09, Florida Statutes. This authority shall remain in force, unless otherwise advised in writing, or a change of ownership is noted to the Cape Coral Police Department.

It is also acknowledged that I will support prosecution of those arrested pursuant to this authority.

Sincerely,

Donald D. Stilwell
County Manager

Sworn to and subscribed before me this ___ day of _____, 20__.

Notary Public