

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

Blue Sheet No. **20031219**

1. REQUESTED MOTION:

ACTION REQUESTED: Approve an Interlocal Agreement between Lee County and Matlacha-Pine Island Fire Control District.

WHY ACTION IS NECESSARY: Interlocal Agreements must be approved by the Board of County Commissioners

WHAT ACTION ACCOMPLISHES: Creates a partnership with Matlacha-Pine Island Fire Control District to provide staff to operate emergency public shelter(s).

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:

C7B

3. MEETING DATE:

11-04-2003

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 Independent
- C. DIVISION Public Safety
- BY: John D. Wilson, Director *JDW*

7. BACKGROUND:

To help address the county's hurricane shelter deficit, Lee County established an Adopt-A-Shelter Program. This program promotes both public and private sector partnerships in providing basic shelter management services. In the attached agreement, Matlacha-Pine Island Fire Control District agrees to furnish the necessary personnel to operate a county emergency public shelter. In return, the fire district's employees trained in shelter management operations and their family members can stay at a designated facility or like facility for shelter purposes.

Attachment—Three Interlocal Agreements

8. MANAGEMENT RECOMMENDATIONS: Staff recommends approval of the Interlocal Agreement. It will assist the county's Emergency Management Program in providing adequate personnel necessary to activate County managed emergency public shelters.

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>JDW 10/16/03</i>	<i>10/22/03</i>	<i>10/22/03</i>		<i>10/23/03</i>	<i>10/23/03</i>	<i>10/23/03</i>	<i>10/23/03</i>	<i>10/23/03</i>	<i>HS 10/23/03</i>

10. COMMISSION ACTION:

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

Rec. by CoAtty
 Date: *10/23/03*
 Time: *4:25 PM*
 Forwarded To:
 Budget
10/23/03 8:35am

RECEIVED BY
 COUNTY ADMIN: *HS*
10/23/03
 9:30am SET
 COUNTY ADMIN
 FORWARDED TO: *HS*
10/23/03

**STATEMENT OF AGREEMENT
CONCERNING THE ADOPT-A-SHELTER PROGRAM
FOR EMERGENCY RELIEF EFFORTS**

THIS AGREEMENT is entered into this 8th day of October, by and between the Matlacha-Pine Island Control District whose address is 5700 Pine Island Road, Bokeelia FL. , herein referred to as FIRE DEPARTMENT in association with Lee County Emergency Management whose address is 2665 Ortiz Avenue, Fort Myers, Florida, herein referred to as COUNTY and the Board of County Commissioners of Lee County, Florida, a political subdivision of the State of Florida, herein referred to as COUNTY.

WHEREAS, the COUNTY has established an Adopt-A-Shelter Program, which provides an opportunity for both the public and private sectors to join in a partnership for providing basic shelter operations; and

WHEREAS, the COUNTY has evaluated and designated Messiah Lutheran Church as a shelter under the County for shelter management purposes; and

WHEREAS, the COUNTY has established a program to provide a basic shelter operation at the Messiah Lutheran Church whose address is 2691 N.E. Pine Island Road, Cape Coral, FL. to be operated by the FIRE DEPARTMENT and the COUNTY.

WHEREAS, the FIRE DEPARTMENT and the COUNTY clearly understand that the site identified in this Agreement under the Adopt-A-Shelter program will only become activated as a shelter when designated, by mutual consent of the COUNTY and Messiah Lutheran Church.

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

1. The COUNTY, based upon the nature of the emergency involved, shall inform the FIRE DEPARTMENTS authorized representative of the need to activate the County emergency shelter assigned and the intended duration of such as soon as practical. The following persons shall be the parties representative for purposes of the giving of notice. See attachment 1.
2. In accordance with F.S. 440, volunteers (uncompensated individuals) are covered by County workers compensation while providing services in a designated County emergency public shelter during, or in preparation for, a declared emergency.
3. The FIRE DEPARTMENT shall be responsible for the negligence of their own employees, subject to the limitations found in F.S. Section 768.28, and shall indemnify the other party for any negligence caused by their employee.

4. The FIRE DEPARTMENT will provide a shelter manager and a minimum of 5 personnel per 12 hour shift to staff the facility until the shelter is officially closed by the COUNTY. The managers and staff may be FIRE DEPARTMENT employees or family members who have received shelter operation training from the COUNTY.
5. The FIRE DEPARTMENT will be responsible for the installing, removal and returning shutters to the site designated by Messiah Lutheran Church.. The COUNTY will provide adequate notification for the installation.
6. This Agreement contains the entire agreement between the parties hereto and there are no promises, agreements, conditions, undertaking or warranties or representatives, oral or written, express or implied between them except as set forth herein.
7. No change or modification to this Agreement shall be effective unless the same is in writing and signed by all parties hereto.
8. This Agreement must be construed and its performance enforced under Florida law in a court of competent jurisdiction. This Agreement shall be governed by, interpreted, and construed in accordance with the laws of the State of Florida.

IN WITNESS THEREOF, the parties hereto have entered this Agreement on the date first above.

SIGNATURES TO THE AGREEMENT

MATLACHA-PINEISLAND FIRE
CONTROL DISTRICT

By: Linda Richter
Witness

By: D. D. P. Buckley R
Chief

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____

ATTEST:
CHARLIE GREEN, CLERK

APPROVED AS TO FORM:

By: _____
Deputy Clerk

By: _____
Office of the County Attorney