

Lee County Board Of County Commissioners
 Agenda Item Summary

Blue Sheet No. **20031397**

1. REQUESTED MOTION:

ACTION REQUESTED: Approve an Interlocal Agreement between Lee County and City of Cape Coral.

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

WHAT ACTION ACCOMPLISHES: Creates a partnership with the City of Cape Coral to provide staff to operate emergency public shelter(s).

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:

C7A

3. MEETING DATE:

12-09-2003

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

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, City of Cape Coral agrees to furnish the necessary personnel to operate a county emergency public shelter. In return, the City of Cape Coral 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>[Signature]</i> 11/19/03	NIA CL No Cost	NIA		<i>[Signature]</i> <i>[Signature]</i>	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11.25.03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: 11/25/03
 Time: 10:35
 Forwarded To: Budget
 11/25/03 10:45AM

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 11/25/03
 10:50AM SET
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
 11/25/03

INTERLOCAL AGREEMENT ADOPT-A-SHELTER PROGRAM

THIS AGREEMENT is entered into this ____ day of _____, by and between the City of Cape Coral, a political subdivision of the State of Florida whose address is: 1015 Cultural Park Boulevard, Cape Coral, Florida herein referred to as "CITY," 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 created a local emergency management agency and maintains a comprehensive emergency management plan and program in accordance with the provisions of F.S. Chapter 252; and

WHEREAS, implementation of American Red Cross shelter selection criteria has resulted in a need to develop a COUNTY shelter management program to provide staffing of County managed emergency public shelters in certain threatening hurricane situations within Lee County, Florida; and

WHEREAS, the COUNTY continues to work closely with the American Red Cross and School District of Lee County to coordinate the designation of emergency public shelters and the staffing within; and

WHEREAS, the COUNTY has established a program to provide basic shelter operations, historically performed by the volunteers of the American Red Cross; and

WHEREAS, the COUNTY has evaluated and designated structures to serve as emergency public shelters under the County for shelter management purposes; and

WHEREAS, the COUNTY shall be subject to the provisions of liability under F.S. Chapter 252; and

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 prepared a Public Shelter Operations Plan, which includes procedures to staff, equip and manage emergency public shelters; and

WHEREAS, the CITY voluntarily agrees to provide the necessary personnel needed to operate a County emergency public shelter. In return for providing human resources to operate a County emergency public shelter, the CITY's employees and their family members who are trained to assist in shelter management operations are encouraged to stay at a designated facility or like facility for shelter purposes; and

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WHEREAS, the CITY clearly understands that the public schools identified in this Interlocal Agreement under the Adopt-A-Shelter program will only become activated as shelters when designated, by mutual consent of the COUNTY, CITY and School District, to be those school(s) most appropriate for sheltering in any given emergency; and

WHEREAS, the CITY clearly understands that City employees and those CITY employees (and their family members) who are trained in shelter management operations are encouraged to stay at a designated facility or like facility for shelter purposes.

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

1. The CITY will designate an employee representative(s) to coordinate all Adopt-A-Shelter Program activities with the County's Emergency Management Program. The CITY will advise the County's Emergency Management Program promptly of any change in designation.
2. The CITY will notify designated employees for activation of shelter operations based on a mutually agreed upon notification procedure between the CITY and the COUNTY.
3. The CITY may promote their commitment to serve their community by participating in the COUNTY's Adopt-A-Shelter Program.
4. The CITY and their employees understand that the general public will be allowed within any shelter opened under the County's responsibility.
5. The CITY will coordinate appropriate COUNTY training requirements for shelter management personnel.
6. The COUNTY assigns the CITY as their primary emergency public shelter at Mariner High School, located at 701 Chiquita Boulevard and as the CITY's secondary emergency public shelter is assigned at Skyline Elementary School, located at 620 SW 19th Street. The emergency public shelters are assigned for planning purposes and the CITY understands that conditions beyond the control of the County in an actual emergency may negate its usage. Public schools identified in this section or any public school facilities used for sheltering purposes under the Adopt-A-Shelter program must be designated by mutual consent of the School District, the COUNTY and the CITY..

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7. The COUNTY, based upon the nature of the emergency involved, shall inform the CITY's authorized representative of the need to activate the County emergency public shelter(s) assigned or requested of the CITY 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:

CITY OF CAPE CORAL, FLORIDA

Name: Bill Van Helden
Title: Fire Chief / Emergency Management Director
Office Telephone #: 574-0505

Name: Carolyn Nelson
Title: Emergency Management Planner
Office Telephone #: 573-3022

LEE COUNTY, FLORIDA

Name: John D. Wilson
Title: Director - Lee County Public Safety
Office Telephone #: 335-1600

Name: David J. Saniter
Title: Emergency Programs Manager
Lee County Emergency Management
Office Telephone #: 477-3600

8. The COUNTY shall reimburse the CITY of CAPE CORAL for the actual costs to the CITY of CAPE CORAL for employees used in providing public shelter management operations at a COUNTY managed emergency public shelter. This will include hourly wages, including specific mandatory benefits, paid to those CITY of CAPE CORAL employees who are available and actually serve during said emergency. Reimbursement to the CITY of CAPE CORAL shall be made in a lump sum and shall be paid within sixty (60) days, or as soon as possible thereafter if resources are unavailable to process payment, and after the CITY of CAPE CORAL provides the COUNTY the individual time records of said employees. The CITY of CAPE CORAL shall provide the COUNTY with all necessary documentation within the CITY of CAPE CORAL's control or possession, to enable the COUNTY to be reimbursed from federal/state agencies, as the result of the COUNTY's expenditures.
9. The COUNTY will seek to recover available emergency or disaster public assistance funds from the State and Federal governments. These funds shall be obtained and retained by the COUNTY to reduce costs paid to the CITY of CAPE CORAL.

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10. 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.
11. CITY and COUNTY 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.
12. This Agreement shall remain in force for a period of three (3) years. Either party may terminate the Agreement for convenience by giving the other party thirty (30) days written notice.
13. 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.
14. No change or modification to this Agreement shall be effective unless the same is in writing and signed by both parties hereto.
15. 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

ATTEST:
CITY CLERK

By: Bonnie J. Kent

CITY OF CAPE CORAL, FLORIDA

By: Ally DeKorpe
Mayor

APPROVED AS TO FORM:

By: William Bentley
Office of the City Attorney

ATTEST:
CHARLIE GREEN, COUNTY CLERK

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney