

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

**Blue Sheet No. 20041121**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Execute 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 \$100,332.00 annually for Fiscal Years 2004/2005 and 2005/2006.

**WHY ACTION IS NECESSARY:** Formalizes the continuation of Lee County Division of Natural Resources services to the City of Bonita Springs.

**WHAT ACTION ACCOMPLISHES:** Provides Surface Water Program services to the City of Bonita Springs.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #: 3**      08      **C8A**

**3. MEETING DATE:** **09-21-2004**

**4. AGENDA:**

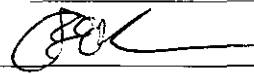
**5. REQUIREMENT/PURPOSE:**  
*(Specify)*

**6. REQUESTOR OF INFORMATION:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER  
Interlocal Agreement

- A. COMMISSIONER
- B. DEPARTMENT      Public Works
- C. DIVISION      Natural Resources
- BY: **Roland E. Ottolini, P.E.**



**7. 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 fourth renewal of the interlocal agreement through amendment that continues the agreement for two additional fiscal years with option for three additional one-year terms. The Bonita Springs City Council approved this agreement at their meeting of September 1, 2004.

Funds will be deposited into the operating revenue account: OC5379014600.343700.9002  
Expenses have been budgeted in the business unit for Fiscal Year 2004/2005.

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

**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
					OA	OM	Risk	GC	
<i>J. Jander</i> 8-27-04	<i>[Signature]</i>	N/A	N/A	<i>[Signature]</i> 8/21/04	<i>[Signature]</i> 9-1-04	<i>[Signature]</i> 9-1-04	<i>[Signature]</i> 9/1/04	<i>[Signature]</i> 9/1/04	<i>J. Jander</i> 8-27-04

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: **8/31/04**  
Time: **3:30**  
Forwarded To:  
*[Signature]*  
**8/31/04**

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
**8/31/04**  
3. COMS LT  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
**9-2-04**  
*[Signature]*

**AMENDMENT TO INTERLOCAL AGREEMENT  
BETWEEN LEE COUNTY  
AND CITY OF BONITA SPRINGS  
REGARDING SERVICES PROVIDED BY LEE COUNTY  
DIVISION OF NATURAL RESOURCES  
SURFACE WATER**

This First 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 1st day of October, 2004, 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 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:

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 2003/2004 2004/2005 and 2005/2006. 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 ~~2003/2004~~ 2004/2005 and FY 2005/2006. The payments will be due and payable on April 1<sup>st</sup> and September 30<sup>th</sup> of each fiscal period. ~~September 30, 2003 and April 1, 2004~~. 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, 2004 ~~October 1, 2003~~ with its execution by both Parties, and will remain in full force and effect until September 30, 2006 ~~September 30, 2004~~, 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 ~~and conditions~~ 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