

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

Blue Sheet No. 20041351

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Interlocal Agreement between Lee County and the City of Bonita Springs for reimbursement of parking fees for Bonita Beach Regional Park and Little Hickory Island Beach Park

WHY ACTION IS NECESSARY: Board approval is required for Interlocal Agreements

WHAT ACTION ACCOMPLISHES: Allows the City of issue parking permits to its residents at a reduced and/or subsidized cost for the use of county park and recreation beaches located within the corporate city limits of the City of Bonita Springs. In exchange the City agrees to pay the County \$10,000.00 for the lost revenue from the parking permits and parking matters.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3

C12B

3. MEETING DATE:

10-26-2004

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:

Andrea Fraser
Assistant County Attorney

7. BACKGROUND:

The City approached Lee County to request an agreement that would allow the City to issue parking permits to its residents at a reduced and/or subsidized cost for the use of county park and recreation beaches located within the corporate limits of the City of Bonita Springs. In exchange the City will reimburse the County for the lost revenue in the amount of a not to exceed \$10,000.00.

Bonita Springs City Council approved the interlocal agreement at their October 6, 2004, meeting.

Attachment: (2) Original Agreements

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
				<i>Andrea Fraser</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	

10. COMMISSION ACTION:

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

RECEIVED BY COUNTY ADMIN:
<i>10/14/04</i>
<i>4:55 pm 501</i>
COUNTY ADMIN FORWARDED TO: _____

**INTERLOCAL AGREEMENT BETWEEN
LEE COUNTY AND THE CITY OF BONITA SPRINGS
FOR REIMBURSEMENT OF PARKING FEES FOR BONITA BEACH
REGIONAL PARK AND LITTLE HICKORY ISLAND BEACH PARK**

THIS INTERLOCAL AGREEMENT is made and entered into this ____ day of _____, 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, hereinafter, "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, hereinafter, "County", collectively the "Parties" hereto.

WITNESSETH:

WHEREAS, the City Council is the governing body in and for the City of Bonita Springs, and the Board of County Commissioners is the governing body in and for Lee County; and,

WHEREAS, both the County and the City are duly empowered pursuant to Florida Statutes, in particular, Section 163.01, to enter into Interlocal Agreements for the sharing of certain governmental powers and obligations; and,

WHEREAS, the City desires to issue parking permits to its residents at a reduced and/or subsidized cost for the use of County Park and Recreation beaches located within the corporate limits of the City of Bonita Springs.

NOW THEREFORE, in consideration of the foregoing, and of the mutual covenants and conditions hereinafter set forth, the City and the County, intending to be legally bound, hereby

agree as follows:

SECTION I **PURPOSE**

It is the purpose and intent of this Interlocal Agreement to define the terms and conditions for the City to administer issuing parking permits to residents at a reduced and/or subsidized cost for the use of Bonita Beach Regional Park and Little Hickory Park, County Park and Recreation facilities located within the corporate limits of the City of Bonita Springs.

All terms and conditions of this Interlocal Agreement shall be interpreted in a manner consistent with, and furtherance of, the purpose as set forth in this paragraph.

SECTION II **AUTHORITY FOR AGREEMENT**

The City represents to the County that the execution and delivery of this Agreement has been duly authorized by all appropriate actions of the governing body of the City, has been executed and delivered by the authorized officers of the City, and constitutes a legal, valid and binding obligation of the City.

The County represents to the City that the execution and delivery of this Agreement has been duly authorized by all appropriate actions of the governing body of the County, has been executed and delivered by the authorized officers of the County, and constitutes a legal, valid and binding obligation of the County.

SECTION III **ISSUANCE OF PARKING PERMITS**

The City will restrict its issuance of parking permits to City residents and/or tax payers only, for reduced and/or subsidized parking to County Park and Recreation beaches.

The parking permits are to be issued only at City facilities.

SECTION IV **REIMBURSEMENT OF PARKING REVENUES BY THE CITY TO THE COUNTY**

The City agrees to pay the County Ten Thousand and 00/100 Dollars (\$10,000.00) as a result of the possible lost revenue from the parking permits and the possible lost revenue from the parking meters. At the end of the first year of this Interlocal Agreement, the Parties will perform a reconciliation and re-evaluate the possible loss in revenues in order to determine and agree upon future reimbursement amounts.

Nothing in this Agreement shall prohibit the County from the sale of its passes.

SECTION V **INDEMNIFICATION**

The Parties agree that by execution of this Interlocal Agreement, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability as provided for in Section 768.28, Fla. Stat..

SECTION VI **ASSIGNMENT**

No assignment, delegation, transfer, or novation to this Interlocal Agreement or part hereof, shall be made, unless approved by the City and the County.

SECTION VII **NOTICES**

Any notices or other documents permitted or required to be delivered pursuant to this Interlocal Agreement, shall be delivered to the County at the Office of the County Manager and to the City, at the Office of the City Manager.

SECTION VIII **AMENDMENT**

This Interlocal Agreement may only be amended in writing, duly executed by the City and the County.

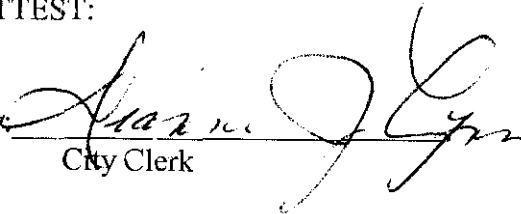
SECTION IX TERM ; TERMINATION

It is hereby agreed that either Party may terminate this Agreement upon giving the other Party thirty (30) days written notice.

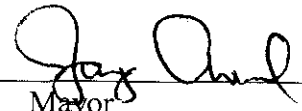
This Agreement is effective for a period of ten (10) years.

IN WITNESS OF THE ABOVE, the City and the County have executed this Interlocal Agreement on the day and month first written above.

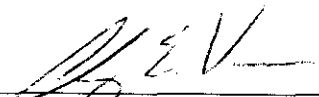
ATTEST:

By: 
City Clerk

CITY OF BONITA SPRINGS

By: 
Mayor

APPROVED AS TO FORM:

By: 
Office of the City Attorney

ATTEST: CHARLIE GREEN
CLERK OF COURTS

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney