

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

Blue Sheet No. 20050159

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve an Intergovernmental Agreement with the Florida Department of Environmental Protection (DEP) and Lee County Community Development for enhanced wetland determination permitting through September 30, 2005 in the amount of \$45,000 annually. Funding available from fec-supported reserve fund, upon transfer from reserves.

WHY ACTION IS NECESSARY:

Not mandated. Through this agreement, County will provide funds to DEP for a DEP staff person to prioritize building permit review to substantially reduce building permits being delayed by DEP wetland determinations. Transfer from reserves requires BoCC approval.

WHAT ACTION ACCOMPLISHES:

Will eliminate backlog of permits and provide for timely review.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #CW**

A 4 b

3. MEETING DATE:

02-22-2005

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 Community Development
 - C. DIVISION
- BY: *Mary Gibbs*
Mary Gibbs, Director

7. BACKGROUND:

Wetland determinations are conducted by the DEP staff on all sites that have wetland soil types. Lee County staff initially determines soils and forwards potential wetland sites to DEP staff. Due to high volumes of building permit requests, DEP wetland determinations have substantially slowed down the building permit process. To address this concern in Collier County, they have provided funds for a DEP wetland position for 3 years, and now are funding two positions.

Lee County staff, the local building industry, and DEP staff have been meeting for several months to address wetland permitting issues and delays in order to streamline the building permit process. Through these meetings, an interlocal was developed to help alleviate the backlog of permits held up waiting for DEP wetland determinations. Through this Agreement, the County would fund a DEP staff position at a cost of \$45,000 annually to prioritize pending County building permits and reduce the permit delays.

Attachments: Interlocal Agreement
Transfer from Reserves

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>Mary Gibbs</i>	N/A	N/A	N/A	<i>2/8/05</i>	OA <i>2/9/05</i>	OM <i>2/9/05</i>	Risk <i>2/9/05</i>	GC <i>2/9/05</i>	<i>pu 2-10-05</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: <i>2/8/05</i>
Time: <i>3:00</i>
Forwarded to:

RECEIVED BY COUNTY ADMIN: <i>TT</i>
<i>2/8/05</i>
<i>1/12/2005</i>
COUNTY ADMIN FORWARDED TO: <i>TT</i>
<i>2/10/05</i>

DRAFT

**INTERGOVERNMENTAL AGREEMENT FOR
WETLAND DETERMINATIONS PERMITTING
BETWEEN LEE COUNTY AND
THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION,
SOUTH DISTRICT OFFICE**

This Intergovernmental Agreement (Agreement) is entered into by and between Lee County, Florida, a political subdivision of the State of Florida, through the Lee County Board of County Commissioners (County) and the State of Florida Department of Environmental Protection, South District Office, (Department) for the purpose of providing an increased level of environmental resource permitting service to the citizens of unincorporated Lee County.

RECITALS

WHEREAS, per the Environmental Resource Permit (ERP) program authorized under Part IV of Chapter 373 of the Florida Statutes, the Department requires permits for the construction, alteration, removal or abandonment of any stormwater management system, dam, impoundment, reservoir, appurtenant work, or works in uplands and wetlands or other surface waters; and

WHEREAS, due to the rapid growth in southwest Florida and the limitation of staff resources, the Department is experiencing difficulty in meeting the demand for services related to wetland determinations in Lee County; and

WHEREAS, representatives of the County and the Department have met to discuss this issue; and

WHEREAS, this discussion resulted in a proposal to enter into an arrangement whereby the County will fund through a grant, one Department ERP staff person dedicated solely to processing applications and performing wetland determinations within unincorporated Lee County; and

WHEREAS, the County strives to provide the best service possible to its customers by establishing a one-stop shop delivery system for development services; and

WHEREAS, the services to be performed under this Agreement will provide real and substantial benefit for the citizens of the County, and further a valid County purpose; and

WHEREAS, Lee County may enter into Intergovernmental Agreements pursuant to Chapters 125 and 163, Florida Statutes (2004).

NOW THEREFORE, In consideration of the foregoing Recitals and the mutual promises and covenants stated herein, the County and the Department formally agree as follows:

1. The County will provide funding through a grant to the Department for the purpose of employing one Other Personnel Services (OPS) employee for the exclusive purpose of processing or assisting in the processing of wetland determinations within Lee County. The individual filling this position will be located in the County Department of Community Development offices on Monroe Street, Fort Myers and will act solely as an employee of the Department, which will be responsible for the employee's training, supervision, compensation and benefits, and all other personnel matters.
2. The County agrees to provide the Department through a grant, the amount of \$45,000 per state fiscal year to fund the OPS position. The payment of the funds will be made in one increment upon receipt of an invoice from the Department. The Department will prioritize review of pending county building permits.
3. The Department agrees to diligently pursue the filling of the position with a qualified individual. If the individual employed to fill this position terminates employment for any reason, the Department agrees to immediately initiate the hiring process to retain another qualified individual to fill the position.
4. The Department agrees that all persons filling the position will be qualified to, and will perform capably, wetland determinations in unincorporated Lee County provided, however, that any wetland determination applications by or on behalf of Lee County shall be processed by other employees of the Department in the Fort Myers office.

TERM OF AGREEMENT

5. This Agreement will become effective on the date of execution by the Department and will remain in effect until September 30, 2005. The Agreement may be extended for one year through mutual agreement of the parties.
6. In the event of one party's failure to fulfill any of its obligations under this Agreement, then the other party may immediately terminate this Agreement at any time. Either party may also terminate this Agreement after providing written notice of its intent to terminate at least sixty (60) calendar days in advance of the date of termination. In addition, the terminating party must also provide the non-terminating party an opportunity to consult with the terminating party regarding the reason(s) for termination. In the event the Agreement is terminated, any unexpended funds remaining after the final payment to the employee will be returned to the County.

NOTICE

7. Notice will be deemed sufficient when delivered by U.S. mail to the appropriate party at the

address set forth below:

For the County:
Rick Joyce
Lee County Division of
Environmental Sciences
1500 Monroe Street
Fort Myers, FL 33901
E-Mail: Joycerk@leegov.com

For the Department:
Gordon Romeis
Department of Environmental
Protection
Post Office Box 2549
Fort Myers, FL 33902-2549

8. The Department’s continuing participation in this Agreement (except for the termination described above) is subject only to the Florida Legislature’s annual approval of the Department’s spending authority for the services contemplated under the Agreement.

9. The County’s manager for this Agreement is Rick Joyce. The Department’s manager for this Agreement is Gordon Romeis. All matters pertaining to the administration of this Agreement are to be directed to the respective party’s manager for appropriate action for disposition.

10. This Agreement will be filed by the County in the Minutes of Lee County, Florida after approval by the Lee County Board of County Commissioners.

IN WITNESS THEREOF, the parties hereto have executed the Agreement by their duly authorized officials effective on the latter date set forth below.

Attest: Clerk of Courts

Board of County Commissioners
Lee County, Florida

Deputy Clerk

By: _____

Date:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Lee County Attorney’s Office

Witness:

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
District Director
South District

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: MSBU Building Reserves DATE: _____ BATCH NO.: _____

FISCAL YEAR: 05 FUND NO.: 15501 DOC. TYPE: YB LEDGER TYPE: BA

TO: Com. Dev./ Dev. Svcs. Permit Issuance
 (Division Name) (Program Name)

NOTE: Please list the account number below in the following order:
 Business Unit (dept/div, program, fund, subfund); Object Account; Subsidiary; Subledger
 (Example: BB 5120100100.503450)

<u>Account Number</u>	<u>Object Name</u>	<u>DEBIT</u>
LC 5240815501-508120	Grants & Aids to State Government	\$45,000
TOTAL TO:		\$45,000

FROM: Non-Departmental Reserves
 (Division Name) (Program Name)

<u>Account Number</u>	<u>Object Name</u>	<u>CREDIT</u>
GC 5890115501.509910	Reserves for contingencies	\$45,000
TOTAL FROM:		<u>\$45,000</u>

EXPLANATION:. Provide funding for BOCC approved Interlocal Agreement with Florida D.E.P.

*Peter Lee
11/30/05*

DIVISION DIRECTOR SIGNATURE/DATE DEPARTMENT HEAD SIGNATURE/DATE

DBO: APPROVAL DENIAL _____ Delma L. Davis 2/9/05
 OPS. ANALYST SIGNATURE DATE

OPS. MGR.: APPROVAL DENIAL _____ Jim Lange 2/9/05
 OPS. MGR. SIGNATURE DATE

CO. MGR.: APPROVAL _____ DENIAL _____ _____
 CO. MANAGER SIGNATURE DATE

BCC APPROVAL DATE: _____ _____
 BCC CHAIRMAN SIGNATURE

BA. NO. _____ AUTH CODE _____ TRANS DATE _____