

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

**Blue Sheet No. 20050771**

**1. ACTION REQUESTED/PURPOSE:** Approve Transfer of Funds in the amount of \$92,000 from Burnt Store Fire District reserves for the remaining balance owed to the City of Cape Coral pertaining to fire protection services within the Burnt Store Area Fire Services MSTU for FY03/04.

**2. WHAT ACTION ACCOMPLISHES:** Current policy requires Board approval of this item.

**3. MANAGEMENT RECOMMENDATION:** Staff recommends approval.

**4. Departmental Category:** 7 C7B

**5. Meeting Date:** 06-21-2005

**6. Agenda:**  
 Consent  
 Administrative  
 Appeals  
 Public  
 Walk-On

**7. Requirement/Purpose: (specify)**  
 Statute  
 Ordinance  
 Admin. Code  
 Other

**8. Request Initiated:**  
 Commissioner \_\_\_\_\_  
 Department Independent  
 Division Public Safety  
 By: John D. Wilson, Director

**9. Background:**  
 On February 15, 2005, the Board of County Commissioners approved an amendment and change order to an interlocal agreement with the City of Cape Coral pertaining to fire protection services within the Burnt Store Area Fire Service MSTU. The amendment and change order increases the compensation to be paid to the City by unit for services from \$350,000 annually, to \$442,000 annually, commencing on October 1, 2003 for fire protection. Therefore, a Transfer of Funds is required to pay the City of Cape Coral for the remaining balance owed for FY03/04 increase of \$92,000.

Attachment (1) Transfer of Funds  
 (2) Interlocal Agreement

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.
[Signature]	[Signature]	N/A		[Signature]	[Signature]	[Signature]	[Signature]	[Signature]

**11. Commission Action:**  
 Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN: [Signature]  
 COUNTY ADMIN FORWARDED TO: [Signature]  
 6-21-05  
 3:30m

Rec. by CoAtty  
 Date: 6/6/05  
 Time: 3:40  
 Forwarded to:

# REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Burnt Store Fire Control District DATE: 06/07/05 BATCH NO. \_\_\_\_\_

FISCAL YEAR: FY 04/05 FUND #: 10204 DOC TYPE: YB LEDGER TYPE: BA

TO: Non-Departmental Burnt Store Fire Control Dist.  
(DIVISION NAME) (PROGRAM NAME)

NOTE: PLEASE LIST THE ACCOUNT NUMBER BELOW IN THE FOLLOWING ORDER:  
FUND #-DEPT/DIV #-PROGRAM #-OBJECT CODE #-SUBFUND #-PROJECT#-COST CENTER #.  
(EXAMPLE: BB5120100100.503450)

ACCOUNT NUMBER	OBJECT NAME	DEBIT
GC5220110204.503490	Other Contracted Svs.	\$ 92,000
	TOTAL TO:	\$ 92,000

FROM: Non-Departmental Burnt Store Fire District Reserves  
(DIVISION NAME) (PROGRAM NAME)

ACCOUNT NUMBER	OBJECT NAME	CREDIT
GC5890110204.509910	Reserve for Contingencies	\$ 92,000
	TOTAL FROM:	\$ 92,000

EXPLANATION: As per bluesheet #BS20050771 dated 6/21/05

\_\_\_\_\_  
DIVISION DIRECTOR SIGNATURE DATE

DBS: APPROVAL  DENIAL \_\_\_\_\_

\_\_\_\_\_  
DEPARTMENT DIRECTOR SIGNATURE DATE

Pat Mullis 6/7/05

OPERATIONS ANALYST SIGNATURE DATE

APPROVAL \_\_\_\_\_ DENIAL \_\_\_\_\_

\_\_\_\_\_  
BUDGET OPERATIONS MANAGER SIGNATURE DATE

CO. ADMIN.: APPROVAL \_\_\_\_\_ DENIAL \_\_\_\_\_

\_\_\_\_\_  
CO. ADMIN. SIGNATURE DATE

BCC APPROVAL DATE \_\_\_\_\_

\_\_\_\_\_  
BCC CHAIRMAN SIGNATURE

**AMENDMENT AND CHANGE ORDER TO INTERLOCAL AGREEMENT**

This Amendment and Change Order to Interlocal Agreement made and entered into this 15th day of February, 2005, by and between the CITY OF CAPE CORAL, FLORIDA, a municipal corporation, hereinafter "CITY," and LEE COUNTY, FLORIDA on behalf of the BURNT STORE AREA FIRE SERVICE MUNICIPAL SERVICE TAXING UNIT, an M. S. T. U. established by LEE COUNTY pursuant to the authority of Section 125.01, Florida Statutes, hereinafter "UNIT."

WHEREAS, the parties hereto have previously entered into an Interlocal Agreement dated September 27<sup>th</sup>, 1995 for the purpose of providing fire protection service to properties located within the UNIT; and

WHEREAS, said agreement provides that its term will expire on September 30, 2005; and

WHEREAS, due to population growth and increased construction activities in the area of the UNIT, CITY has experienced an increase in operating costs and has increased the number of personnel assigned to the station that provides service to the UNIT; and

WHEREAS, COUNTY desires to expand the responsibilities of CITY within the boundaries of the MSTU to include the provision of fire prevention services for other than one and two family residences; and

WHEREAS, Section 10 of the Interlocal Agreement provides that the terms and provisions contained in the Agreement may be amended or modified, in writing, by the agreement of both parties and executed in a manner similar to the Agreement; and

C7b

2-15-05

WHEREAS, Section 3 of the Interlocal Agreement provides that any "Additional Services" requested by the UNIT shall be administered and executed as a "Change Order" under the Interlocal Agreement; and

WHEREAS, the parties desire to amend certain terms of the Interlocal Agreement and authorize a "Change Order" for certain "Additional Services" as hereinafter provided.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. The following Additional Services are hereby added to the "Scope of Services," pursuant to a "Change Order" to the existing Interlocal Agreement:

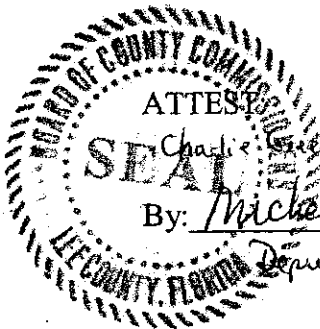
CITY agrees to provide Fire Prevention services and fire plan review and construction inspection services for all occupancies within the boundaries of the Burnt Store MSTU that are not one- or two-family structures. Such services shall be performed by CITY in accordance with Florida Statutes Chapter 633 and the City of Cape Coral Code of Ordinances. COUNTY shall provide all building construction plans review and inspections with the exception of fire prevention and control as defined in Chapter 633 of the Florida Statutes. Pursuant to the CITY's responsibility as contained in Section 633.025, Florida Statutes (minimum fire safety standards), CITY will conduct all necessary or mandatory fire safety inspections and shall inform the COUNTY Building Official of any fire safety matters that require correction. COUNTY shall be responsible for the enforcement of all applicable fire safety standards in a timely manner and shall report the abatement and disposition of reported violations to CITY. CITY agrees to

provide all necessary technical assistance to the COUNTY Building Official to facilitate this process.

2. Section 4.b. of the Interlocal Agreement is hereby amended to increase the compensation to be paid to CITY by UNIT for SERVICES from Three Hundred Fifty Thousand Dollars (\$350,000) annually, to Four Hundred Forty-Two Thousand Dollars (\$442,000) annually, commencing on October 1, 2003 and continuing for the remaining term of the Interlocal Agreement. The compensation to be paid to CITY by UNIT for ADDITIONAL SERVICES (fire prevention services) shall be One Hundred Five Thousand Four Hundred Dollars (\$105,400) annually, commencing on the date when CITY commences providing fire prevention services for UNIT pursuant to this Agreement. All costs or fees, such as those for the Property Appraiser, the Tax Collector, and the County, shall be paid by the UNIT in addition to the agreed upon amount. Payments of One Hundred Ten Thousand Five Hundred Dollars ((\$110,500) each shall be made on a quarterly basis. A copy of the Interlocal Agreement is attached hereto as Exhibit "A."

3. In all other respects, the Interlocal Agreement between the parties shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to Interlocal Agreement the date and year written above.



ATTEST  
Charlie Green, Clerk of Courts  
By: Michele S. Cooper  
Deputy Clerk

LEE COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS  
By: [Signature]  
Chairman

APPROVED AS TO FORM:

By: Andrea R. Fraser  
County Attorney's Office

ATTEST:

BY: Bonnie J. Vent  
Bonnie J. Vent, City Clerk

CITY OF CAPE CORAL

By: Arnold E. Kempe  
Arnold E. Kempe, Mayor

APPROVED AS TO FORM:

By: Marilyn W. Meller  
City Attorney's Office