

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

Blue Sheet No. 20051410-UTL

**1. Action Requested/Purpose:**

Authorize the Chairman, on behalf of the BOCC, to approve Florida Department of Environmental Protection's (FDEP) Amendment No. 3 to State Revolving Fund (SRF) Loan Agreement No. CS12039232P for Lee County Wastewater Management Countywide Planning.

**2. What Action Accomplishes:** Reschedules the loan repayment activities to provide Lee County additional time to complete preconstruction activities.

**3. Management Recommendation:** Approval.

**4. Departmental Category:** 10 -

**C10C**

**5. Meeting Date:**

**10-25-2005**

**6. Agenda:**

- Consent
- Administrative
- Appeals
- Public
- Walk-On

**7. Requirement/Purpose (specify)**

- Statute
- Ordinance
- Admin. Code
- Other Approval

**8. Request Initiated:**

Commissioner [Signature]  
 Department Public Works  
 Division Utilities  
 By: [Signature] 10/6/05  
Lick Diaz, P.E., Director

**9. Background:**

The schedule specified in Article X, Paragraph 10.07 of the State Revolving Fund Loan Agreement (per Amendment No. 2) calls for a Loan Repayment Reserve Account and a Loan Debt Service Account to be established by January 15<sup>th</sup> 2006. Monthly deposits to the Loan Debt Service Account equal to 1/6<sup>th</sup> of the Semi-annual Payment are also to commence by January 15, 2006; and Certifications under Subsection 2.01(12) are to start by April 15, 2006.

In response to LCU's request, the FDEP has granted Lee County a one-year extension to complete preconstruction activities. Therefore, the required Amendment No. 3 is attached, and being submitted for approval.

Attachments: Copy of September 12, 2005 Letter Requesting Extension  
 Original Letter from DEP Granting Extension  
 Three (3) Originals of Amendment No. 3

Note: Amendment 3 needs to be returned to LCU ASAP after 10-25-05, to be Fed-X to FDEP

**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.	
<u>[Signature]</u> J. Lavender Date: <u>10-10-05</u>	<u>[Signature]</u> Date: <u>10/10/05</u>	N/A Date:	<u>[Signature]</u> J. Laracuente Date: <u>10/6/05</u>	<u>[Signature]</u> S. Covert Date: <u>10/12/05</u>	<u>[Signature]</u> P.M. 10/12/05	<u>[Signature]</u> OR 10/13/05	<u>[Signature]</u> R/L For 10/13	<u>[Signature]</u> 10/13/05	<u>[Signature]</u> J. Lavender Date: <u>10/10/05</u>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN:  
10-12-05  
4:15  
 COUNTY ADMIN  
 FORWARDED TO:  
10/12/05  
4:45 P.M.

Rec. by CoAtty  
 Date: 10/12/05  
 Time: 11:00am  
 Forwarded To:

CO. ATTY.  
 FORWARDED TO:  
Admin  
10/12/05  
4pm



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8178

(239) 707-0733

Bob Janes  
District One

September 12, 2005

Douglas R. St. Cerny  
District Two

Don Berryhill, P.E., Chief  
Bureau of Water Facilities Funding  
Florida Department of Environmental Protection  
2600 Blair Stone Road-MS 3505  
Tallahassee, FL 32399-2400

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

**SUBJECT: REQUEST FOR AN EXTENSION OF THE REPAYMENT SCHEDULE  
START DATE FOR CLEAN WATER STATE REVOLVING FUND LOAN  
AGREEMENT - CS12039232P**

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Dear Mr. Berryhill:

Diana M. Parker  
County Hearing Examiner

Lee County Utilities is preparing to initiate two projects, Expansion of the Gateway WWTP to 3 MGD, and the Airport Sewer District Transmission line, that are part of preconstruction loan agreement CS12039232P. In the next 3 months Lee County Utilities will submit all documents still pending to comply with the "Readiness to Proceed Requirements", an updated RFI and; subsequently, a construction loan application.

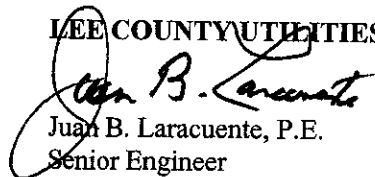
The referenced Preconstruction Loan Agreement – CS12039232P calls for the repayment schedule to begin on January 15, 2006. Since the revised RFI cannot be considered until the January hearing and the finalization of a construction loan would not occur until after the project is put on the fundable portion, we hereby respectfully request a 6-month extension of the start date of the repayment schedule.

The 6-month extension requested would provide enough time to complete submittal of all required project documentation and to roll the preconstruction loan into the construction loan. This would simplify and reduce both FDEP and Lee County Utilities' efforts and the costs required to manage the SRF loan and repayments.

I am available to meet with you and/or your staff to answer any questions or discuss this request at your convenience. Thank you for your assistance.

Cordially,

**LEE COUNTY UTILITIES**



Juan B. Laracuente, P.E.  
Senior Engineer

Enclosures

cc: Rick Diaz, P.E., LCU  
Ivan Velez, P.E., LCU  
Thomas Mamott, P.E., LCU  
Orlando Figueroa, LCU



# Department of Environmental Protection

Jeb Bush  
Governor September 27, 2005

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Colleen M. Castille  
Secretary

Mr. Rick Diaz, P.E.  
Utilities Director  
Lee County Board of County Commissioners  
Post Office Box 398  
Ft. Myers, Florida 33902

Re: CS12039232P - Lee County  
Transmission, Treatment and Deep Well Facility  
Pine Island, Gateway/Airport Wastewater Treatment Plants

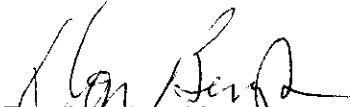
Dear Mr. Diaz:

Enclosed are three original copies of proposed Amendment 3 to your State Revolving Fund loan agreement. The amendment reschedules the loan repayment activities to provide the County additional time to complete preconstruction activities.

Please have the appropriate officials **sign and seal** the enclosed three copies and return them to us within three weeks at 2600 Blair Stone Road, Mail Station 3505, Tallahassee, Florida, 32399-2400. We will arrange for the Department Secretary to sign the document and mail a fully executed copy to you.

If you have any questions regarding this amendment, please call Cory Burke Yacovone at (850) 245-8358.

Sincerely,

  
Don W. Berryhill, P.E., Chief  
Bureau of Water Facilities Funding

DWB/cy

Enclosures

cc: S. John Calise - Camp Dresser & Mckee, Inc.  
William Hammond - Lee County Board of County Commissioners  
Douglas R. St. Cerny - Lee County Board of County Commissioners

**STATE REVOLVING FUND  
AMENDMENT 3 TO LOAN AGREEMENT CS12039232P  
LEE COUNTY**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and LEE COUNTY, FLORIDA, existing as a local government agency (Local Government) under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number CS12039232P; and

WHEREAS, Loan repayment activities need rescheduling to give the Local Government additional time to complete preconstruction activities, and

WHEREAS, the Loan Repayment Reserve Account is no longer required.

NOW, THEREFORE, the parties hereto agree as follows:

1. Unless repayment is further deferred by amendment of the Agreement, Semiannual Loan Payments as set forth in Section 10.05 shall be received by the Department beginning on July 15, 2007, and semiannually thereafter on January 15 and July 15 of each year until all amounts due under the Agreement have been fully paid.
2. The requirement for a Loan Repayment Reserve Account is deleted. All references in the Agreement to the Loan Repayment Reserve are no longer applicable.
3. The items scheduled under Subsections 10.07 (6) and (7) of the Agreement are rescheduled as follows:
  - (6) Unless deferred by amendment, establish the Loan Debt Service Account and begin Monthly Loan Deposits no later than January 15, 2007.
  - (7) Unless deferred by amendment, provide certifications under Subsection 2.01(12) beginning April 15, 2007, and thereafter, no later than September 30 of each year until the final Semiannual Loan Repayment is made.

All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 3 to Loan Agreement CS12039232P shall be executed in three or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary of the Department and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Secretary of the Department.

for  
**LEE COUNTY**

\_\_\_\_\_  
Chairman, Board of County Commissioners

Attest

Approved as to Form and Legality

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
County Attorney

SEAL

for  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date