

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

Blue Sheet No. 20061545-UTL

1. Action Requested/Purpose:

To authorize the Chair, on behalf of the BOCC, to approve Florida Department of Environmental Protection's (FDEP) Amendment No. 4 to State Revolving Fund (SRF) Loan Agreement No. CS12039232P for Lee County Wastewater Management Countywide Planning.

2. What Action Accomplishes: Amends original loan agreement to establish the final loan amount, interest rate, and other loan fees prior to the start of the repayment activities.

3. Management Recommendation: Approval.

4. Departmental Category: 10 – Utilities

CIOA

5. Meeting Date: ~~_____~~ **DEC 12 2006**

6. Agenda:

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

7. Requirement/Purpose (specify)

- Statute
- Ordinance
- Admin. Code
- Other Approval

8. Request Initiated:

Commissioner _____
 Department Public Works
 Division Utilities
 By: Douglas L. Meurer 11-27-2006
Douglas L. Meurer, P.E., Director

9. Background:

The schedule specified in Article X, Paragraph 10.07 of the State Revolving Fund Loan Agreement (per Amendment No. 3) calls for a Loan Debt Service Account to be established by January 15th 2007. Monthly deposits to the Loan Debt Service Account equal to 1/6th of the Semi-annual Payment are also to commence by January 15, 2007; and Certifications under Subsection 2.01(12) are to start by April 15, 2007. The amendment adjusts the project costs and reduces the semiannual loan payment.

Attachments: Original FDEP Letter dated 11-14-06
 Loan Statement (showing calculation of final payment)
 Amortization Schedule (showing repayment schedule)
 Amendment No. 4 (establishing final loan amount, interest rate, and loan fees) – 3 Originals
 Resolution No. 05-03-30 (authorizing Chair to sign SRF loans)
 Copy of BS 20061324 (confirming Robert Janes as new Chair)

Note: To insure the reduced interest rate, Amendment 4 needs to be returned to LCU ASAP for immediate delivery via 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>J. Lavender</u> Date: 11-27-06	<u>C. Logan</u> Date: 11/28	N/A Date:	<u>J. Laracuente</u> Date: 11/27/06	<u>S. Coovert</u> Date: 11/28/06	<u>ebw</u> 11-30-06	<u>or</u> 11/30/06	<u>Ky</u> 11/30/06	<u>MP</u> 11/30/06	<u>J. Lavender</u> Date: 11-27-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN:
11/29/06 SJS
MP
 COUNTY ADMIN
 FORWARDED TO:
11-30-06 MP
to PR

Rec. by CoAtty
 Date: 12/5/06
 Time: 4:00pm
 Forwarded To:
11/29/06
4:30pm



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

November 14, 2006

Mr. William Hammond
County Administrator
Lee County Board of 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. Hammond:

Enclosed are three original copies of proposed Amendment 4 to your State Revolving Fund loan agreement. The amendment adjusts the project costs and reduces the semiannual loan payment. The adjustments are final unless further revisions become necessary as a result of an audit. A loan statement showing the calculation of the final payment amount and an amortization schedule are also enclosed.

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 Director to sign the document and mail a fully executed copy to you.

If you have any questions, please call Wilba Evans-Burgess at (850) 245-8358.

Sincerely,


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

DWB/wb

Enclosures

cc: Honorable Douglas R. St. Cerny - Lee County Board of Commissioners
Rick Diaz - Lee County Board of Commissioners

"More Protection, Less Process"

Printed on recycled paper.

LOAN STATEMENT:

Calculation of Semiannual Payment for Remaining Years

Sponsor: Lee County

Project Number: 39232P

Beginning of Repayment Period: 1/15/2007

Payments Remaining: 20

Original Loan		Combined Rate		3.080%			
Date	Disbursement Or Serv. Fee	Cap. Int. At 1/15/2007	Amount To Repay	Interest At 7/15/2007	Total Owed At 7/15/2007	Present Value* At 1/15/2007	Payment Amount
5/24/2001	90,668	16,960.13	107,628.13	1,657.47	109,285.60		
6/20/2001	804,309	148,319.39	952,628.39	14,670.48	967,298.87		
7/29/2002	2,266,689	329,351.63	2,596,040.63	39,979.03	2,636,019.66		
1/29/2003	207,219	26,484.27	233,703.27	3,599.03	237,302.30		
11/7/2006	(25,104)	(146.17)	(25,250.17)	(388.85)	(25,639.02)		
Totals	3,343,781	520,969.25	3,864,750.25	59,517.16	3,924,267.41	3,864,750.26	225,993.84

*Present value is the total owed divided by $(1 + (\text{Combined Interest Rate}/2))$. The payment amount is computed using the present value.

AMORTIZATION SCHEDULE:

11/7/2006

State Revolving Fund Loan

Page 1

Repayment Schedule

Sponsor: Lee County

Project Number: 39232P

Original Loan		Interest: 1.540%			GAA Rate: 1.540%			
Date	Pmt. No.	Payment	Serv. Fee Paid	SF Interest	Interest	Grt. All. Assmt.	Principal Paid	Total to Pay*
1/15/2007								3,864,750.25
7/15/2007	1	225,993.84	82,377.96	1,268.62	29,124.27	29,124.27	84,098.72	3,698,273.57
1/15/2008	2	225,993.84			28,476.71	28,476.71	169,040.43	3,529,233.14
7/15/2008	3	225,993.84			27,175.10	27,175.10	171,643.65	3,357,589.49
1/15/2009	4	225,993.84			25,853.44	25,853.44	174,286.96	3,183,302.53
7/15/2009	5	225,993.84			24,511.43	24,511.43	176,970.98	3,006,331.55
1/15/2010	6	225,993.84			23,148.76	23,148.76	179,696.33	2,826,635.22
7/15/2010	7	225,993.84			21,765.09	21,765.09	182,463.66	2,644,171.56
1/15/2011	8	225,993.84			20,360.12	20,360.12	185,273.60	2,458,897.96
7/15/2011	9	225,993.84			18,933.51	18,933.51	188,126.81	2,270,771.15
1/15/2012	10	225,993.84			17,484.94	17,484.94	191,023.96	2,079,747.19
7/15/2012	11	225,993.84			16,014.06	16,014.06	193,965.73	1,885,781.46
1/15/2013	12	225,993.84			14,520.51	14,520.51	196,952.81	1,688,828.65
7/15/2013	13	225,993.84			13,003.98	13,003.98	199,985.88	1,488,842.77
1/15/2014	14	225,993.84			11,464.09	11,464.09	203,065.66	1,285,777.11
7/15/2014	15	225,993.84			9,900.49	9,900.49	206,192.87	1,079,584.24
1/15/2015	16	225,993.84			8,312.80	8,312.80	209,368.24	870,216.00
7/15/2015	17	225,993.84			6,700.67	6,700.67	212,592.51	657,623.49
1/15/2016	18	225,993.84			5,063.70	5,063.70	215,866.44	441,757.05
7/15/2016	19	225,993.84			3,401.53	3,401.53	219,190.78	222,566.27
1/15/2017	20	225,993.79			1,713.76	1,713.76	222,566.27	0.00
		4,519,876.75	82,377.96	1,268.62	326,928.94	326,928.94	3,782,372.29	

*Total to pay may reflect activity during repayment term.

**STATE REVOLVING FUND
AMENDMENT 4 TO LOAN AGREEMENT CS12039232P
LEE COUNTY**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and LEE COUNTY, FLORIDA, (Local Government) existing as a local government agency 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, as amended, authorizing a Loan amount of \$4,669,379, excluding Capitalized Interest; and

WHEREAS, the Loan Amount, Loan Service Fee, and Project costs need adjustment to reflect actual costs; and

WHEREAS, revised provisions for audit and monitoring are needed; and

NOW, THEREFORE, the parties hereto agree as follows:

1. The Loan amount is hereby reduced by \$1,391,162, and the adjusted total disbursed amount for this loan is \$3,278,217.

2. The Loan Service Fee is reduced by \$25,104.00, and the adjusted total service fee for this Loan is \$65,564.00, which represents two percent of the Loan amount excluding Capitalized Interest and the Loan Repayment Reserve; that is 2.0 percent of \$3,278,217.00 is \$65,564.00. Capitalized interest on the Loan Service Fee is \$16,813.96.00 for a total service fee charge of \$82,377.96.

3. The total amount to repay by the Local Government is \$3,864,750.25, which consists of \$3,278,217.00 disbursed to the Local Government, \$504,155.29 of accrued Capitalized Interest and \$82,377.96 of service fee charges at a combined rate of interest and Grant Allocation Assessment of 3.08 percent per annum (the interest rate is 1.54 percent per annum, and the Grant Allocation Assessment rate is 1.54 percent per annum).

4. The Semiannual Loan Payment amount is hereby revised and shall be in the amount of \$225,993.84. Such payments shall be received by the Department on July 15, 2007 and semiannually thereafter on January 15 and July 15 of each year until all amounts due hereunder have been fully paid.

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5. Subsections 2.03(1) and 3(a)(i) of the Agreement are deleted and replaced as follows.

The Local Government agrees to the following audit and monitoring requirements.

(1) The financial assistance authorized pursuant to this Loan Agreement consists of the following:

Federal Resources, Including State Match, Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
CS120001-030	EPA	66.458	Capitalization Grants for State Revolving Funds	\$3,278,217	140131

(3) Report Submission.

(a) Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by Subsection 2.03(2) of this Agreement shall be submitted, when required by Section 320 (d), OMB Circular A-133, as revised, by or on behalf of the Local Government directly to each of the following:

(i) The Department of Environmental Protection at each of the following addresses:

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

Joe Aita, Audit Director
 Office of the Inspector General
 Florida Department of Environmental Protection
 3900 Commonwealth Boulevard, MS41
 Tallahassee, Florida 32399-3123

6. Project Costs are revised as follows:

The Local Government and the Department acknowledge that changes in Project costs may occur as a result of the Local Government's Project audit or a Department audit pursuant to Chapter 62-503 of the Florida Administrative Code. Unless this Agreement is amended subsequent to an audit, the following Project disbursements shall be final.

CATEGORY	DISBURSED (\$)
Administrative Allowance	292,476.00
Planning Allowance	1,316,142.00
Engineering Allowance	1,669,599.00
SUBTOTAL (Total Disbursed)	3,278,217.00
Capitalized Interest	504,155.29
TOTAL (Loan Principal Amount)	3,782,372.29

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

This Amendment 4 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 Director, 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 Director.

for
LEE COUNTY

Chairman, Board of County Commissioners

Attest

County Clerk

SEAL

for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Director
Division of Water Resource Management

Date

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

RESOLUTION NO. 05-03-30

RE: RELATING TO THE STATE REVOLVING FUND PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES AND CERTIFICATIONS; PROVIDING FOR CONFLICTS, SERVERABILITY AND EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for financial assistance to local government agencies to finance the construction of drinking water facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for financial assistance, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with program requirements; and to enter into an agreement; and

WHEREAS, the State Revolving Fund priority list designates Project Number DW3610010 as eligible for available funding; and

WHEREAS, Project Sponsor, Florida, intends to enter into an agreement with the Department of Environmental Protection under the State Revolving fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION I. The foregoing findings are incorporated herein by reference and made part hereof.

SECTION II. Lee County, Florida is authorized to apply for financial assistance to finance the project.

SECTION III. The revenues pledged for the repayment of the loan are net revenues of the Lee County Utilities System [after payment of debt service on list outstanding bond debt by series].

SECTION IV. The Chairman of the Board of County Commissioners is hereby designated as the authorized representative to provide the assurances and commitments required by the application.

→ SECTION V. The Chairman of the Board of County Commissioners is hereby designated as the authorized representative to execute the loan application and execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Chairman of the Board of County Commissioners is authorized to represent Lee County in carrying out the County's responsibilities under the loan agreement. The Chairman of the Board of County Commissioners is authorized to delegate responsibility to appropriate County Staff to carry out technical, financial, and administrative activities associated with the agreement.

A10a
03-22-05

SECTION VI. The legal authority for borrowing moneys to construct this Project is Florida Statutes.

SECTION VII. Conflicts. All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VIII. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

SECTION IX. Effective Date. This resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Lee County, Florida, this 22nd day of March, 2005.

**BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA**


BY: 

ATTEST:

Charlie Green, Clerk of the
Circuit Court and ex-officio Clerk
of the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM


OFFICE OF COUNTY ATTORNEY

BY: 

Deputy Clerk



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

Blue Sheet No. 20061324

1. ACTION REQUESTED/PURPOSE:

Annual Organization of the Board of County Commissioners.

2. WHAT ACTION ACCOMPLISHES:

Administrative Code AC-1-3, Section IV, Rule 4.01 calls for the annual organization or reorganization of the Board to designate a "Chairman and Vice-Chairman".

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 06

Meeting Date: 11/21/06

6. Agenda:

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

7. Requirement/Purpose: (specify)

- | | |
|---|--------------------|
| <input checked="" type="checkbox"/> Statute | <u>Chapter 125</u> |
| <input type="checkbox"/> Ordinance | |
| <input checked="" type="checkbox"/> Admin. Code | <u>AC-1-3</u> |
| <input type="checkbox"/> Other | |

8. Request Initiated:

Commissioner _____
 Department _____
 Division Public Resources
 By: Libby Walker, Director

9. Background:

The Board of County Commissioners of Lee County, Florida, shall annually, on the third Tuesday of November, organize or reorganize the officers of the Board as to designating or redesignating a "Chairman and Vice Chairman". "The Chairman and Vice Chairman" shall serve for a one-year term, unless the Board shall reorganize as set forth in the procedures in AC-1-3, Rule 4.01 – Annual Reorganization

Attachment: Administrative Code AC-1-3, Section IV, Rule 4.01

NOTE: COMMISSIONER ROBERT JANES APPROVED AS NEW CHAIR-
 (SEE ATTACHED MEETING EXCERPT)

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)	N/A	N/A	N/A	(Signature)	CA 10/5/06	(Signature) 10/4	(Signature) 10/5/06	(Signature) 10/5/06	(Signature) 10-5-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: 10/4/06
 Time: 9:15 PM

RECEIVED BY
 COUNTY ADMIN: CA
10/4/06
12:40
 COUNTY ADMIN
 FORWARDED TO: (Signature)
10/5/06
4:30 PM

Forwarded To:
(Signature)
10/4/06 10:15 AM

AC-1-3 Continued

The County Manager shall be responsible for maintaining an accurate and up-to-date roster of all boards, commissions, and their respective memberships, and shall advise the Commission prior to the expiration of any appointments.

SECTION IV: ORGANIZATION AND REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS

Chapter 125, Florida Statutes, and the Lee County Charter (Lee County Ordinance No. 96-01, as amended), provide that the legislative and governing body of a County shall have the power to carry on County Government to the extent not inconsistent with general or special law. This power shall include, but shall not be limited to, the power to adopt its own rules and procedures, select its officers and set the time and place of its meetings.

RULE 4.01 - ANNUAL ORGANIZATION

The Board of County Commissioners of Lee County, Florida, shall annually, on the third Tuesday of November, organize or reorganize the officers of the Board as to designating or redesignating a Chairman and Vice Chairman. The Chairman and Vice Chairman shall serve a one year term, unless the Board shall reorganize as set forth in the procedures below.

The Clerk to the Board or the Deputy Clerk to the Board shall be present and conduct the meeting until a Chairman has been selected. The organization of the Board will be the first item on the Agenda for that day.

RULE 4.02 - PROCEDURE FOR ANNUAL ORGANIZATION

The Clerk shall call for nominations of the Chairman and after a member has been recognized by the Chair, a Commissioner may place in nomination a name for the Chairman. The nomination does not require a second. The Chair must call for nominations until an affirmative vote is received to close the nomination. The election of the Chairman will be upon roll call, there shall be no discussion by any member voting. He shall vote "Yes" or "No". After a new Chairman is elected, the Vice Chairman's election shall be held in the same manner by the newly elected Chairman.

RULE 4.03 - REORGANIZATION OF THE BOARD

Any member of the Board of County Commissioners may, at any regular or special called meeting of the Board, after being duly recognized by the Chairman, request a reorganization of the Board. For this purpose the Commissioner, upon being recognized shall request Special Privilege. The rule governing Special Privilege does not require a second and is not debatable, however, the question of privilege is decided by the Chair. If the Chair elects to grant Special Privilege of reorganization the procedure for organization as outlined above shall proceed.

If the Chair elects to deny the question of Special Privilege unless further action is taken, the ruling of the Chair is final. If any member of the Board wishes to enforce the Special Privilege Rule, he must call for the "Orders of the Day". The rule governing this motion does not require a second but does require a 2/3 negative vote not to proceed to the Orders of the Day. If the Orders of the Day motion is an affirmative, the reorganization takes place as outlined under Organizational Procedures.

An excerpt of the Lee County Board of County Commissioners Meeting of November 21, 2006

The Regular Meeting of the Board of Lee County Commissioners was held on this date with the following Commissioners present:

Tammara Hall, Chairwoman
Robert P. Janes, Vice-Chairman
Ray Judah
Brian Bigelow
Frank Mann

The Chairwoman called the meeting to order at 10:00 a.m. The Invocation was given by Pastor Jamie Westlake, of Cypress Lake United Methodist Church, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

Annual Organization of the Board of County Commissioners
(Blue Sheet #20061324 – Public Resources)

Minutes Office Manager Lisa Pierce, representing Clerk of Circuit Courts Charlie Green, welcomed Commissioners Mann and Bigelow and offered the Clerk's assistance. After noting that a second was not required, Ms. Pierce opened the floor for nominations for Chairman. Chairwoman Hall nominated Commissioner Janes. There being no other nominations, **a voice vote was called and the nomination of Commissioner Janes for Chairman** was approved unanimously. Ms. Pierce then turned the meeting over to Chairman Janes to nominate a Vice-Chairman. Chairman Janes nominated Commissioner Judah. There being no other nominations, a voice vote was called and the nomination of Commissioner Judah for Vice-Chairman was approved unanimously.