VILLAGE COUNCIL
REGULAR MEETING
Agenda

Village Hall
21500 Three Oaks Parkway,
Estero, FL

Wednesday, May 20, 2015
6:30 p.m.

Village Council: *District 1 – Bill Ribble; District 2 – Howard Levitan, Deputy Mayor; District 3 – Donald Brown; District 4 – Katy Errington; District 5 – Jim Boesch; District 6 – Nick Batos, Mayor; District 7 – Jim Wilson*

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1. ***CALL TO ORDER***

2. ***PLEDGE OF ALLEGIANCE***

3. ***INVOCATION***

   Father Tony Gilborges – Our Lady of Light Catholic Community

4. ***ROLL CALL***

5. ***APPROVAL OF AGENDA***

6. ***COUNCIL BUSINESS***

   The public will have an opportunity to speak during each agenda item. Each individual has one opportunity to speak for three minutes per agenda item.

   (A) Approval of May 8, 2015 Regular Meeting Minutes, and May 8 Workshop Minutes.

   Attachment Included

   (B) FIRST READING AND PUBLIC HEARING OF ORDINANCE 15-05

   AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ESTABLISHING AND ADOPTING UNIFORM TRAVEL POLICIES AND PROCEDURES; PROVIDING A PROCESS

(B) (cont'd from Page 1)
FOR AMENDING TRAVEL POLICIES AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Attachment Included

(C) FIRST READING AND PUBLIC HEARING OF ORDINANCE 15-06

AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA; ESTABLISHING PURCHASING PROCEDURES; DESIGNATING A PURCHASING AGENT; PROVIDING FOR LIMITATIONS ON PURCHASES; PROVIDING FOR COMPETITIVE BIDDING; ESTABLISHING COMPETITIVE BIDDING AND BID OPENING PROCEDURES; PROVIDING FOR AWARDING OF BIDS; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR EXEMPTIONS FROM COMPETITIVE BIDDING; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY, INCLUSION ON THE CODE AND IN AN EFFECTIVE DATE.

Attachment Included

(D) SECOND READING AND PUBLIC HEARING – ORDINANCE 15-04.

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING SECTION 3-2(2)(B) OF ORDINANCE NO. 15-01 TO CHANGE QUALIFICATIONS FOR MEMBERSHIP OF THE DESIGN REVIEW BOARD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Attachment Included

(E) RESOLUTION – Resolution of Intent to Participate in the National Flood Insurance Program.

Attachment Included

(F) RESOLUTION – Resolution Adopting Performance Measures for Participation in the Community Rating System Program.

Attachment Included:

(G) RESOLUTION – Resolution Adopting Public Records Fees.

Attachment Included

(H) RESOLUTION – A Resolution Approving the Interlocal Agreement for Distribution of Local Option Gas Taxes.

Attachment Included

(I) PROCLAMATION – Memorial Day Proclamation

7. PUBLIC INPUT OF NON-AGENDA ITEMS

8. COUNCIL COMMUNICATIONS/FUTURE AGENDA ITEMS

(A) Interim Village Manager's Comments

(B) Village Attorney Comments

9. ADJOURN

If you desire to address the Board, please complete a Public Comment Card located on the table in the lobby and return it to the Clerk. Citizens desiring to speak must step up to the podium, state their full name and address and/or whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment, should contact Peter Lombardi, at 239-390-8000, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes:
"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

VILLAGE COUNCIL REGULAR MEETING OF MAY 8, 2015

The Village of Estero Council Regular Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

Nick Batos – Mayor, District 6
Howard Levitan – Vice-Mayor, District 2
Bill Ribble - District 1
Donald Brown - District 3
Katy Errington - District 4
Jim Boesch - District 5
Jim Wilson - District 7

The Mayor called the meeting to order at 10:00 am, followed by the Pledge of Allegiance to the flag.

INVOCATION

The Invocation was offered by Father Hans Jacobse, St. Peter Orthodox Church

ROLL CALL

Interim Village Manager Peter Lombardi called the roll; all members were present.

APPROVAL OF AGENDA

Mr. Ribble moved approval, seconded by Mr. Brown, called and carried unanimously.

COUNCIL BUSINESS

6(A) Approval of April 10, 2015 Workshop Minutes; April 17, 2015 Regular Meeting Minutes; April 17, 2015 Workshop Minutes

Mr. Ribble moved approval, seconded by Ms. Herrington, called and carried unanimously.

Mayor Batos commented that the agendas for today's Meeting and Workshop include items that were reviewed during the last workshop; noted that other items would be added to upcoming agendas; and requested that members provide any additional items to Mr. Lombardi for inclusion in future agendas.

6(B) DISCUSSION – Council Liaison Assignments

Interim Village Manager Peter Lombardi remarked that he had worked with Mayor Batos to create a list of organizations for liaison assignments; and asked members to recommend other organizations for future agendas. Mayor Batos explained his reasons for liaison assignments as shown below:

1. Metropolitan Planning Organization (MPO) – Mayor Batos, Mr. Boesch as alternate
2. Lee Memorial Health System (LMHS) – Mr. Brown
3. South Florida Water Management District (SFWMD) – Mr. Ribble
4. Florida Department of Transportation (FDOT) – Mr. Boesch
5. Lee County Department of Transportation (LDOT) – Mr. Boesch
6. Florida Gulf Coast University (FGCU) – Mayor Batos
7. Horizon Council – Mr. Wilson
8. Lee County Department of Community Development (LDCD) – Vice-Mayor Levitan
9. Conservancy of Southwest Florida – Ms. Errington

Following brief discussion, Mayor Batos mentioned that a list of Advisory Committee liaison appointments would probably be discussed at next week's meeting. The Mayor called for public comment, and the following individual came forward:

Conservancy of Southwest Florida representative, April Olson welcomed Ms. Errington
Mayor Batos mentioned that he could make introductions for members who are not familiar with the group to which they were assigned.
Mr. Boesch moved approval of the assignments as presented, seconded by Mr. Brown, called and carried unanimously.

6(C) DISCUSSION – Selection Process for Permanent Village Manager
Mayor Batos stated that a determination should be made to either initiate a search or make the change from interim to permanent position. Mr. Levitan opined that it would be appropriate to start now with the search for a permanent Village Manager. Following general discussion, there was consensus that a document from the Florida City and County Managers Association, dealing with the selection process, would be provided to Council members for review prior to next week's Workshop.

6(D) DISCUSSION – Selection Process for Permanent Village Attorney
Interim Village Attorney Burt Saunders briefly described the usual selection process. After brief discussion, Mr. Ribble moved to designate Attorney Saunders and Gray Robinson as permanent Village Attorney, seconded by Mr. Brown. Attorney Saunders reviewed the fee schedule for normal and additional activities, followed by discussion of the need for lobbyists. The Mayor called for public comment, and the following individual came forward:

Old Estero resident, Patti Whitehead - potential conflict of interest

After Attorney Saunders responded that the services provided to Lee County were entirely different from those provided to the Village, the motion was called and carried unanimously.

6(E) DISCUSSION – Village Municipal Center
Mayor Batos clarified that this item involved discussion of a process to determine specific needs for a future facility with more office and parking space for the Council. Discussion ensued regarding financial resources, time required for acquisition and preparation, assignment of a Council member to research the issue, experiences of other municipalities, and the scope of an inter-local agreement with Lee County. Interim Village Manager Peter Lombardi described limitations of the current facility, noted that the acquisition and design process would take at least six months, stated that personnel requirements would depend on services provided, and estimated a space requirement between 7,500 and 10,000 square feet. Mr. Levitan moved to direct Mr. Lombardi to work with a Council liaison to develop recommendations for a process, with input from other Council members, seconded by Mr. Brown. The Mayor called for public input, and the following individual came forward:

Bella Terra resident, Mark Novitski - suggestions about furniture and design

The motion was called and carried unanimously. Mr. Ribble volunteered to serve as Council liaison.

6(F) DISCUSSION – Sign Code Violations
Mayor Batos mentioned past problems with violations of Estero-specific Sign Codes; and asked that any member of the public who notices a possible violation report it to Interim Village Manager Peter Lombardi. Discussion followed regarding the County's responsibility to remove illegal signs, the fact that most such signs are put up on weekends, the possible need for a Village process to adjudicate violations, and the limitations in dealing with inappropriate sign content. Following comments from Attorney Saunders about available alternatives, Mr. Levitan moved to direct the Village Attorney to develop a Special Magistrate Ordinance; seconded by Mr. Boesch. The Mayor called for public input, and the following individuals came forward:

Old Estero resident, Patty Whitehead - billboards
Stoneybrook resident, Gary Israel – communication with business owners

After Council members and Attorney Saunders addressed the speakers' concerns, the motion was called and carried unanimously.

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input; and the following individuals came forward:

Estero Council of Community Leaders (ECCL) Interim Chair, Don Eslick – Cooperation between the Village and ECCL, committee dealing with Density Reduction/Groundwater Resource (DR/GR), summary of community concerns from recent ECCL meeting

Villages at Country Creek resident, George Molnar – printing both sides of pages, parliamentary procedures

Bella Terra resident, Mark Novitski – Village representation on Metropolitan Planning Organization (MPO), Village Transportation Committee, and future municipal facility

Attorney Saunders responded to questions from Council members regarding attendance at the DR/GR Committee meetings; and Council members responded to Mr. Molnar and Mr. Novitski.

COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:
Vice-Mayor Levitan mentioned a letter to Council members soliciting donations to the Estero Historic Society. He suggested, and Council members concurred, that a policy and a budget for charitable contributions from the Village should be future workshop topics.

Mr. Brown mentioned that the Project Director for the proposed Estero facility would be on the agenda for next Thursday's Lee Memorial Health System (LMHS) Board of Directors meeting.

Ms. Errington suggested a Memorial Day proclamation for next week's meeting for veterans from the community. There was consensus that the proclamation would be put on the website after the May 20 Council meeting.

Mr. Wilson reported on the ECCL meeting that he attended, and noted that Corkscrew Farms would have a major impact in the DR/GR. Discussion ensued regarding a cumulative impact traffic study for future developments on Corkscrew Road. The Mayor called on ECCL Interim Chair Don Eslick, who reported that ECCL is contemplating such a study and would share the findings with the Council. Bella Terra resident, Mark Novitski commented on the shortcomings of current study methods. Conservancy of Southwest Florida representative, April Olson reported that the Local Planning Agency (LPA) hearings on Corkscrew Farms would be on Monday.

Village Attorney's Comments:
Village Attorney Burt Saunders had no comments.

Interim Village Manager's Comments:
Interim Village Manager Peter Lombardi had no comments.

ADJOURN

The Mayor adjourned the meeting at 11:44 am.

ATTEST:

By: _____

_____
Interim Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____

_____
Mayor

VILLAGE COUNCIL WORKSHOP MEETING OF MAY 8, 2015

The Village of Estero Council Workshop Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

Nick Batos – Mayor, District 6
Howard Levitan – Vice-Mayor, District 2
Bill Ribble - District 1
Donald Brown - District 3
Katy Errington - District 4
Jim Boesch - District 5
Jim Wilson - District 7

The Mayor called the meeting to order at 1:30 pm, followed by the Pledge of Allegiance to the flag.

ROLL CALL

Interim Village Manager Peter Lombardi called the roll; all members were present.

APPROVAL OF AGENDA

Mr. Ribble moved approval, seconded by Ms. Errington, called and carried unanimously.

COUNCIL BUSINESS

5(A) DISCUSSION – 2015 Village Budget

Interim Village Manager Peter Lombardi explained that, although the Village was not required to have a budget for its first fiscal year, it was beneficial to have one as a spending guide; and stated that he and Interim Village Finance Director Lisa Pace had constructed the budget for the remainder of the 2014-15 Fiscal Year. Ms. Pace utilized a PowerPoint presentation (copy included in agenda backup) to present details of the proposed budget. She pointed out that the report represents a compilation of all financial data for the Village to-date; explained the calculations involved in each column under "Revenues"; and responded to questions from Council. During the "Revenues" portion of the presentation, Attorney Saunders agreed to provide a legal opinion regarding the effective date of the Village's entitlement to utility franchise fees; Ms. Pace confirmed that the budget had been created without some of the unknown values to provide an idea of the minimum revenue that could be expected; and general discussion occurred regarding the uncertain effects of the pending inter-local agreement with Lee County. Mr. Lombardi clarified that the 2015-16 budget would include line items that are not in the 2014-15 budget because revenue for those items would not be received until after October 1, 2015. Ms. Pace provided detailed information about amounts shown for Ad Valorem Revenue and the State revenue sharing process. She then described the rationale for the values shown under "Expenditures", noting that some positions listed under "Personnel" had not yet been filled; and that "Contract Services" were based on proposals actually received. Discussion ensued regarding the effect on expenses of negotiations with the County, possible duplication of costs for services such as Animal Control, the need for additional information to be considered at the next Workshop, County transportation services, the probability that actual expenses will differ from the budget, numbers that have been received so far from the County, and the formula used to calculate gas tax revenue. Discussion continued regarding the projected surplus shown on the "Budget Summary" page of a 3-page handout entitled "Village of Estero – Budget Fiscal Year 2014-2015" (copy on file); expenses resulting from summer storms; and the timetable for the 2015-16 budget and establishment of a millage rate. The Mayor called for public input; however no one came forward to speak. After Ms. Pace stated that additional information would be provided as soon as possible, the Council discussed future audit requirements.

5(B) DISCUSSION – All Hazards Tax

Interim Village Manager Peter Lombardi stated that, except for the City of Cape Coral, none of the municipalities within the County assesses the All Hazards Tax, because the County provides all emergency preparedness and disaster recovery services as part of the County operation. After explaining how Cape Coral uses the assessment revenue to provide services over and above what the County provides, he recommended that the Village not adopt the tax. Extensive Council discussion followed regarding the three-mill equivalency requirement for revenue sharing. Village Attorney Saunders reported that he had been notified by Assistant County Manager Pete Winton that no resolution would be needed for the Village to opt out of the tax. There was Council consensus to eliminate the All Hazards Tax for Village residents.

5(C) DISCUSSION – Development Services Director

Vice-Mayor Levitan commented that he had contacted Council members regarding the idea of contracting with a planning professional to serve as Development Services Director, and that the anticipated need for this position was included in the Land Development Ordinance. He pointed out the volume and significance of pending cases, reviewed the details of a draft job description, and emphasized the need for a balanced presentation of the facts. Referring to a sample job ad (copy on file), he requested Council feedback on whether this would be the right direction to take. Discussion followed regarding the need for a Director to work with the Planning and Zoning Board (PZB) and Design Review Board (DRB), whether zoning/planning fees would cover the contract expense, the potential benefit for developers and the public, the impact of development outside the Village limits, methods for fee collection/payments, and a requirement that the contractor maintain an office at Village Hall. There was Council consensus that Mr. Levitan and Interim Village Manager Peter Lombardi should initiate the process to advertise the position. The Mayor called for public input; however no one came forward to speak.

5(D) DISCUSSION – Planning and Zoning Board (PZB) Meeting Schedule

ITEMS 5(D) AND 5(E) WERE DISCUSSED SIMULTANEOUSLY.

Interim Village Manager Peter Lombardi confirmed that the meeting schedule had been posted on the website. Discussion followed regarding a meeting scheduled for August, and for dates just before Thanksgiving and Christmas; and the duty of Board members to arrive at the meetings on time. There was consensus that these concerns would be conveyed to the Boards. Attorney Saunders stated that a note would be added to PZB and DRB meeting notices, disclosing that two or more Council members may attend; and reminded Council members that they were permitted to ask questions but not to interact with each other at these meetings. The Mayor called for public input; however no one came forward to speak.

5(E) DISCUSSION – Design Review Board Meeting Schedule

ITEMS 5(D) AND 5(E) WERE DISCUSSED SIMULTANEOUSLY.

SEE DISCUSSION ABOVE.

5(F) DISCUSSION – Welcome to Estero Signs

Mayor Batos mentioned past discussions about placing "gateway" signs at the northern and southern sections of US 41, on Three Oaks and Corkscrew, and in a few other areas; and asked whether a committee should be formed to pursue the project. Discussion followed regarding the availability of grant funds, jurisdiction over median locations, the need for a Village logo, the concept of a logo design contest, and locations of existing signs. There was consensus to postpone consideration of new signs. The Mayor called for public input; and the following individual came forward:

Old Estero resident, Patty Whitehead – Logo design contest and other possible design sources

5(G) DISCUSSION – Ordinance 15-04 Amending Ordinance 15-01 Regarding the State Registered Architect Requirement for the Design Review Board (DRB)

Vice-Mayor Levitan mentioned that two slots on the DRB had been left open due to the inability to locate even one person who met the current Ordinance requirement that two members be state-licensed architects. He stated that the proposed amendment would reduce that requirement to one state licensed architect and

allow the appointment of one more member. He also mentioned that language included in the Planning and Zoning Board (PZB) Ordinance, which allowed Council to fill vacancies and remove members, had been omitted from the DRB Ordinance; and suggested that the proposed Amendment should be revised before first reading to include that language. After other Council members indicated agreement with the proposed addition, Attorney Saunders confirmed that the validity of the DRB would not be affected by the vacancy. Discussion followed regarding the possibility of deleting the requirement completely so the ordinance would not need to be revised again; the need to determine the reason for inclusion of the requirement in the Boca Raton model; the tentative schedule for the first reading on May 15, with a review by the Local Planning Agency (LPA) before the second reading; and the fact that additional members could be non-residents because the required four residents are already on the DRB. The Mayor called for public input; however no one came forward to speak.

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input; however no one came forward to speak.

COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE AGENDA ITEMS

Council Members' Comments:
Mr. Ribble mentioned the fund solicitation letter received by Council members from the Historical Society, and described his efforts to locate an experienced carpenter to work pro-bono.

Mayor Batos requested and received Council authorization to respond to the Historical Society letter with a statement that the Village would not be making commitments to not-for-profits at this time.

In response to a question from Ms. Errington, Attorney Saunders confirmed that the Council would be allowed to meet in an emergency session without the usual notice requirement.

Interim Village Manager's Comments:
Interim Village Manager Peter Lombardi had no items for discussion.

Village Attorney's Comments:
Village Attorney Burt Saunders had no items for discussion.

ADJOURN

The Mayor adjourned the meeting at 3:34 pm.

ATTEST:

By: _____

_____
Interim Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____

_____
Mayor

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 15 - ____

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ESTABLISHING AND ADOPTING UNIFORM TRAVEL POLICIES AND PROCEDURES; PROVIDING A PROCESS FOR AMENDING TRAVEL POLICIES AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Village of Estero desires to regulate travel policies and procedures for the Village of Estero in order to effectively allocate limited funds available for business related expenses, including training and professional development of elected and appointed officials and employees; and

WHEREAS, travel policies and procedures provide for the reasonable and prudent payment for and reimbursement of allowable expenditures.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

SECTION ONE. Adoption of Travel Policies and Procedures

The document entitled Travel Policies and Procedures as described in the attached Exhibit "A", attached hereto and incorporated herein, is hereby adopted.

SECTION TWO. Amending Travel Policies and Procedures

The Village Council may amend, by resolution, the subsistence allowance, as provided in Section 7 of this Ordinance, provided such subsistence allowance is appropriated in the annual budget adopted by Village Council.

SECTION THREE. Severability

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR. Effective Date

This Ordinance shall take effect immediately upon adoption

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of May, 2015.

Attest:

By:_____
Peter Lombardi
Interim Village Manager/
Custodian of Village Records

VILLAGE OF ESTERO, FLORIDA

By: _____
Nicholas Batos
Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq.
Interim Village Attorney

DRAFT

ORDINANCE NO 15-_____

AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA; ESTABLISHING PURCHASING PROCEDURES; DESIGNATING A PURCHASING AGENT; PROVIDING FOR LIMITATIONS ON PURCHASES; PROVIDING FOR COMPETITIVE BIDDING; ESTABLISHING COMPETITIVE BIDDING AND BID OPENING PROCEDURES; PROVIDING FOR AWARDING OF BIDS; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR EXEMPTIONS FROM COMPETITIVE BIDDING; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND IN AN EFFECTIVE DATE.

WHEREAS, the Village Council has determined that purchasing guidelines and procedures are essential elements in the administration of the Village's day to day activities; and

WHEREAS, the Village's Charter requires that contract for public improvements and purchases of supplies, materials, or services shall be awarded or made on the basis of specifications and competitive bids, except in cases where the Village Council specifically determines that it is impractical to do so; and

WHEREAS, the Village Council hereby determines that it is impractical to purchase, through competitive bidding, materials, supplies, equipment, improvements or services for which funds are provided in the budget and for which the total amount to be expended is $ 10,000 or less;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA AS FOLLOWS;

PURCHASING PROCEDURES

SECTION 1. PURCHASING AGENT.

The Village Manager or his/her designee shall be the chief purchasing agent of the Village. The purchasing agent shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the Village the purchasing agent shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials, and equipment purchased for or belonging to the Village.

SECTION 2. PURCHASING LIMITATIONS; COMPETITVE BIDDING.

(A) Purchases less than $10,000. Purchases of, or contracts for materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is not in excess of $10,000 may be made or entered into by the Village Manager without submittal to the Village Council and without competitive bidding. Single purchases or contracts in excess of $10,000 shall not be broken down to amounts less than $10,000 to avoid the requirements of this section.

(B) Purchases more than $10,000 but less than $50,000. Purchases of or contracts for materials, supplies, and equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is in excess of $10,000 but which do not exceed $50,000 may be made or entered into by the Village Manager without submittal to the Village Council, but shall require compliance with the competitive bidding requirements set forth in Section 3 of this Ordinance. Single purchases or contracts in excess of $10,000 shall not be broken down to amounts less than $10,000 to avoid the requirements of this section.

(C) Purchases in excess of $50,000. The Village Council shall approve all purchases of or contracts for materials, supplies, equipment, public improvements or services where the total amount to be expended is more than $50,000.

(D) The Village Manager may not purchase or contract for any item or service which exceeds any budget appropriation until such a time the Village Council amends the budget to increase the appropriation to the applicable level.

SECTION 3. COMPETITIVE BIDDING PROCEDURE.

(A) Whenever competitive bidding is required by this Ordinance, the Village Manager shall direct that bid proposals which provide specifications for the purchase or contract be prepared.

(B) The Village Manager shall solicit sealed bids from at least three persons or entities engaged in the business of furnishing such materials, supplies, equipment and public improvements or rendering such services.

(C) The Village Manager may publish a public invitation to bid.

(D) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by the Village Council and/or the Village Manager as the case may be, subject to the right of the Village to reject any and all bids, to waive any irregularity in the bids or bidding procedures and subject also to the right of the Village to award bids and contracts to bidders other than the low bidder.

SECTION 4. BID OPENING PROCEDURE; AWARDING OF BIDS.

(A) Sealed bids shall be opened by the Village Manager or his appointed representative and recorded by the Village Manager or his representative on the date and time specified in the bid proposal.

(B) Whenever required by the bid proposal, all bid bonds, cash, insurance, checks or other security accompanying the bid shall be received and maintained for safekeeping by the Village Manager. The Village Manager shall be responsible for the return of the bid bonds, cash, insurance, checks or other security of unsuccessful bidders.

(C) Upon completion of the bid opening and reading, all bids received will be deposited with the Village Manager for tabulation and/or recommendation to the Village Council.

(D) Upon submission of the bid tabulation and recommendation to the Village Manager or Village Council, as the case may be, the Village Manager or the Village Council shall either accept, reject or refer for additional review the bid tabulation and recommendation.

SECTION 5. WAIVER OF COMPETITIVE BIDDING PROCEDURES

The Village Council may, by majority vote, waive the competitive bidding procedures outlined in this ordinance if the Village Council determines that it is impractical to do so.

SECTION 6. GOVERNMENTAL CONTRACTS.

The Village Manager is hereby authorized to enter into bids or contracts entered into by other governmental authorities provided that the governmental authority has followed a competitive bidding procedure leading to the award of the bid or contract in question which is substantially similar to the competitive bidding procedure outlined in this Ordinance.

SECTION 7. EXEMPTIONS FROM COMPETITVE BIDDING.

The following shall be exempt from the competitive bidding procedures outlined in this ordinance:

(A) Transactions described in Section 2(A) of this Ordinance.

(B) Contracts for professional services.

(C) Other contracts as provided by State Law.

SECTION 8. REPEAL OF CONFLICTING PROVISIONS.

All provisions of the Code of Lee County as made applicable to the Village by Article _____, Section _____ of the Village Charter which are in conflict with this Ordinance are hereby repealed.

SECTION 9. SEVERABILITY.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of

this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 10. INCLUSION IN THE CODE.

It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Village of Estero Code; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this _____ day of _____, 2015.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

_____
Nick Batos, Mayor

ATTEST:

_____
Peter G. Lombardi
Interim Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Burt L. Saunders
Village Attorney

Motion by: _____
Second by: _____

Vote:

ORDINANCE NO. 15-

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING SECTION 3-2(2)(B) OF ORDINANCE NO. 15-01 TO CHANGE QUALIFICATIONS FOR MEMBERSHIP OF THE DESIGN REVIEW BOARD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero adopted Ordinance No. 15-01 on April 17, 2015, which established the Village Planning and Zoning Board and the Village Design Review Board; and

WHEREAS, the Village Council has recently received nominations for the two boards and appointed members to those boards; and

WHEREAS, in the process of establishing the Design Review Board and appointing its members, the Village has determined that it is in the best interests and welfare of the Village and its residents to amend Ordinance No. 15-01, Section 3-2(2)(b) to change the membership qualifications of the Design Review Board to require one state registered architect instead of two state registered architects to be members of the Design Review Board; and

WHEREAS, the Village Planning and Zoning Board, as the Local Planning Agency and in a duly noticed public hearing, has considered the proposed change and has recommended that the proposed change is consistent with the Village of Estero Comprehensive Plan.

NOW THEREFORE, THE VILLAGE OF ESTERO HEREBY ORDAINS as follows:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending Section 3-2(2)(c) of Ordinance No. 2015-01. Section 3-2(2)(c) of Ordinance No. 2015-01 is hereby amended as follows:

Sec. 3-2. Organization; qualification of members.

(1) The village council shall appoint a chairman from among the appointed members of the design review board to serve for one year terms and to preside at its meetings. The design review board shall elect a vice-chairman for 1 year terms to preside at its meetings in the absence of the chairman. The board shall formulate its rules and regulations for the conduct of its business, which shall govern except as inconsistent with any procedures established for it by the village council.

(2) The members of the board shall have the following qualifications:

(a) At least 4 members must be residents of the village. All other members shall either (i) own a business in the village; (ii) own property in the village; or (iii) work in the village;

(b) At least ~~2 members~~ 1 member of the board shall be a state-registered architects, at least 1 member shall be a state-registered engineer, and at least 1 other member shall be a state-registered landscape architect. The remaining members of the board shall be architects, landscape architects, professional engineers, professional land planners, building contractors, or shall possess a similarly related professional background which is well versed in the land development process. Vacancies on the design review board shall be filled pursuant to the administrative ordinances of the Village of Estero. The village council may remove any member of the board from office after notice and hearing, upon the affirmative vote of a majority of the village council membership. ~~;and~~

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Effective Date. This Ordinance shall be effective upon adoption at second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2015.

PASSED and ADOPTED on second reading this _____day of _____, 2015.

_____
Nick Batos, Mayor

Attest:

_____
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Burt Saunders, Interim Village Attorney

Vote:

Mayor Batos	yes_____	no_____
Vice Mayor Levitan	yes_____	no_____
Councilmember Boesch	yes_____	no_____
Councilmember Brown	yes_____	no_____
Councilmember Errington	yes_____	no_____
Councilmember Ribble	yes_____	no_____
Councilmember Wilson	yes_____	no_____

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 15 - _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, REQUIRING THE RECOGNITION AND EVALUATION OF FLOOD OR FLOOD-RELATED HAZARDS IN ALL OFFICIAL ACTIONS RELATING TO LAND USE AND DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain areas of the Village of Estero are subject to periodic flooding, or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally-subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of Florida has in its Statutes Title XII, Chapter 166, the "Municipal Home Rule Powers Act" whereby local governments are empowered to rule on behalf of their citizens to promote the public health, safety, and general welfare of their citizenry; and

WHEREAS, it is the intent of this Council to require the recognition and evaluation of flood or flood-related hazards in all official actions relating to the land use and development, including building construction, repair and remodeling in areas having these hazards;

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Lee County, Florida, hereby:

SECTION ONE. Assures the Department of Homeland Security's Federal Emergency Management Agency (FEMA) that it will enact as necessary, and maintain in force in those areas having flood, or flood-related hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Parts 59, 60, and 65 of the National Flood Insurance Program Regulations (Title 44 of the Code of Federal Regulations); and

Vests Peter Lombardi, Interim Village Manager, with the responsibility, authority and means to:

(a) Assist FEMA, at its request, in delineation of the limits of the area having special flood, or flood-related hazards,

(b) Provide such information as FEMA may request concerning present uses and occupancy of the floodplain, or flood-related areas,

(c) Cooperate with Federal, State, and local agencies and private firms that undertake to study, survey, map, and identify floodplain, or flood-related areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, and/or flood-related areas in order to prevent aggravation of existing hazards, and

(d) Upon occurrence, notify FEMA, in writing, whenever the boundaries of the Community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood hazard Boundary Maps and Flood Insurance Rate Maps accurately represent the Community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

Appoints Peter Lombardi, Interim Village Manager, to maintain for public inspection and to furnish upon request for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new and substantially improved structures, and include whether or not such structures include a basement, and if the structure has been floodproofed; and

Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

SECTION TWO. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____day of _____, 2015.

Attest:

By:_____
Peter Lombardi
Interim Village Manager/
Custodian of Village Records

VILLAGE OF ESTERO, FLORIDA

By: _____
Nicholas Batos
Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq.
Village Attorney

COMMUNITY SEAL, ADDRESS

DRAFT RESOLUTION TO IMPLEMENT PERFORMANCE MEASURES

TO ACHIEVE ELIGIBILITY FOR COMMUNITY RATING SYSTEM

WHEREAS, the (*COMMUNITY*) has been a National Flood Insurance Program (NFIP) participant in good standing since (*DATE OF REGULAR ENROLLMENT*) , and seeks to improve its flood resiliency by participating in the Community Rating System (CRS); and,

WHEREAS, (*COMMUNITY*) has designated special flood hazard areas on NFIP flood insurance rate maps that were adopted on *DATES OF CURRENT FIRMs*, and the community has *NUMBER OF POLICIES* ; and,

WHEREAS, the (*COMMUNITY*) has reviewed and re-dedicated itself to meeting all requirements for joining the NFIP that it adopted by Resolution when it first joined the voluntary NFIP; and,

WHEREAS, the (*COMMUNITY*) has been determined to be compliant by the Florida Division of Emergency Management by virtue of a *SELECT A CONTACT TYPE* that was closed on *SELECT CLOSURE DATE*; and,

WHEREAS, the (*COMMUNITY*) has developed and is actively implementing "performance measures" to ensure that its floodplain management program meets and exceeds the minimum requirements of the NFIP; and,

WHEREAS, it is the intent of this (*COUNCIL or COMMISSION*) to participate in the CRS program and strive to exceed the minimum NFIP requirements set forth in Parts 59, 60, and 65 of the National Flood Insurance Program Regulations (Title 44 of the Code of Federal Regulations); and by implementing the Florida's unified minimum CRS credits will act to adopt additional measures that may improve its CRS rating;

NOW, THEREFORE, BE IT RESOLVED that this (*COUNCIL, or COMMISSIONERs*) hereby:

Assures the State of Florida Division of Emergency Management and the Department of Homeland Security's Federal Emergency Management Agency (FEMA) that it will enact as necessary, and maintain in force in those areas having flood, or flood-related hazards, adequate land use and floodplain regulations with effective enforcement provisions necessary to implement an NFIP-compliant program and to implement the seven performance measures required to ensure consistency with enhanced performance measures to participate in the CRS program as referenced and incorporated herein; and

Vests the (*COMMUNITY*) floodplain administrator and his/her associates with the responsibility,

authority and means to implement the following performance measures which are incorporated by reference and attached:

(1) Adopt a flood damage prevention ordinance based on the State model that is coordinated with the Florida Building Code,

(2) Conduct annual inspections of development in SFHAs to be reported annually that addresses identified compliance issues to be resolve through enforcement and mitigation to the maximum extent possible,

(3) Administer a flood zone permit application for regulating all development in SFHAs with procedures and checklists approved by State and Region IV,

(4) Ensure accurate completion of all elevation certificates before vertical construction and prior to issuance of certificates of occupancy,

(5) Annually disseminate letters to utility companies concerning tanks that must be elevated or anchored and new HVAC equipment that must be elevated above the BFE,

(6) Administer substantial improvement/damage determination procedures approved by State and Region IV staff and maintenance of permanent records of determinations,

(7) Provide DFIRMs or links to DFIRMs and elevation certificates on the community's website where feasible.

The (*COMMUNITY*) also agrees to take such other official action as may be reasonably necessary to carry out the objectives of the CRS program.

Adopted on _____, 20__, by the _____ (*COMMUNITY GOVERNING BODY*).

By: _____

_____, Title of Elected Official
Name

Certified By: _____ SEAL

_____, Clerk
Name

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 15 - _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ESTABLISHING A PUBLIC RECORDS FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 119.07 (4) establishes certain fees for public records; and

WHEREAS, the Village of Estero receives requests for various types of public records; and

WHEREAS, the Village Council desires to have such costs borne by persons requesting records to the extent allowed by law; and

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Lee County, Florida:

SECTION ONE. The Village Council hereby establishes the fees for public records requests as set forth in Public Records Fee Schedule (Exhibit A) attached and hereby incorporated as a part of this Resolution.

SECTION TWO. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of May, 2015.

Attest:

By:_____
Peter Lombardi
Interim Village Manager/
Custodian of Village Records

VILLAGE OF ESTERO, FLORIDA

By: _____
Nicholas Batos
Mayor

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq.
Village Attorney

Exhibit A
VILLAGE OF ESTERO

PUBLIC RECORDS FEE SCHEDULE

In accordance with Chapter 119,07(4), Florida Statutes, the following fees, shall be charged for public records.

The following definitions apply:

"Actual cost of duplication: The cost of the material and supplies used to duplicate the public records, but does not include labor cost or overhead associated with such duplication *F. S. 119.011 (1)*

"Information Technology Resources": Data processing hardware and software and services, communication, supplies, personnel, facility resources, maintenance, and training. *F.S. 119.011 (9)*

"Duplicated Copies": The process of reproducing an image or images from an original to a final substrate through the electrographic, xerographic, laser, or offset process of or any combination of these processes, by which an operator can make more than on copy without re-handing the original. *F.S. 119.011 (7) and 283.30 (3)*

"Extensive": Anything in excess of 30 minutes including the time to locate, review for confidential information, retrieve, monitor, inspect, copy and re-file the requested records.

1. Each one-sided copy of each page of not more than 8% by 14 inches...$0.15
2. Each two-sided copy of each page of not more than $8^1/_2$ by 14 inches...$0.20
3. Public records requests of less than 20 pages per day..... No Charge
4. All other copies .....Actual Cost of Duplication
5. Each certified copy of a public record $1.00
6. Completion of Estoppel Request.....$25.00
   (Estoppels are requests for information, not public records covered by Chapter 119, F.S.)
7. Special Service Charge — If the nature or volume of public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources, or extensive clerical or supervisory assistance by personnel of the Village, or both, in addition to the actual cost of duplication a special service charge, which shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service based upon the actual labor (the hourly salary and benefits) of the lowest paid employee capable of performing the task.

8. The Special Service Charge under number seven above will not be charged unless the estimated time for fulfilling the request exceeds 30 minutes.

9. The information technology resources charge under the Special Service Charge will be based upon the costs and time involved in fulfilling the request.

10. The Village may also charge for an employee to sit with the requestor during the course of the inspection to safeguard and protect the Village's records from theft, destruction or alteration.

11. The Village may require a deposit in advance for the cost of estimated number of copies, mailing (if requested) and estimated Special Service Charge, where applicable.

INTERLOCAL AGREEMENT FOR
DISTRIBUTION OF LOCAL OPTION GAS TAXES
BY AND BETWEEN
LEE COUNTY AND THE VILLAGE OF ESTERO

THIS INTERLOCAL AGREEMENT made on this 1st day of June, 2015, by and between **LEE COUNTY,** a political subdivision and charter county of the State of Florida ("County"), and the **VILLAGE OF ESTERO,** a municipal corporation of the State of Florida ("Village"), collectively the Parties hereto, is for the purpose of establishing a methodology and format for a division and distribution of certain Local Option Gas Taxes levied by County Ordinances within Lee County pursuant to Chapter 336, Florida Statutes, and other provisions of law.

WHEREAS, the County and Village desire to enter into an Interlocal Agreement for Distribution of Local Option Gas Taxes; and,

WHEREAS, the Village Council represents to the County and the County acknowledges, that the Village is lawfully eligible to receive a portion of the Local Option Gas Taxes pursuant to law; and,

WHEREAS, the County Local Option Gas Taxes are by law to be annually divided among, and distributed to, the several eligible municipalities within the County by Interlocal Agreement or statutory formula; and,

WHEREAS, this is one of several Interlocal Agreements between the County and its municipalities providing the terms and conditions for the annual division and distribution of the proceeds of the Local Option Gas Taxes; and,

WHEREAS, this Agreement and all other such Agreements shall be collectively deemed as one Agreement (the Local Option Gas Tax Interlocal Agreement) for the purposes of Section 336.025(3)(a)(1), Florida Statutes, and which Interlocal Agreement, constitutes an Interlocal Agreement for the annual Local Option Gas Tax distribution between Lee County and the municipalities therein representing a majority of the incorporated area population within the County; and,

WHEREAS, pursuant to Section 74 of the Village of Estero Charter, the Village Council has made a finding that the distribution within this Interlocal Agreement substantially meets the intent of the lane mile formula as contained in Section 336.025(4)(b)(1), Florida Statutes.

SECTION I. **ANNUAL LOCAL OPTION GAS TAX DISTRIBUTION:**

Recipient	% Distribution
City of Bonita Springs	4.54%
City of Cape Coral	24.95%
City of Fort Myers	14.00%
City of Sanibel	5.00%
Town of Fort Myers Beach	1.17%
Village of Estero	2.54%
Lee County	47.80%

Exhibit A attached.

SECTION II.

This Interlocal Agreement for the annual distribution of Local Option Gas Taxes to the Village shall be effective from the date that all parties executed agreement to August 31, 2019, both dates inclusive.

SECTION III.

a) The percentage allocation and distribution of the Local Option Gas Tax to the Village shall be calculated based on a formula that consists of fifty percent (50%) from the centerline miles within the Village and fifty percent (50%) from the population of the Village utilizing the latest University of Florida Bureau of Economic and Business Research population estimates in proportion to the centerline miles and population of unincorporated Lee County.

b) Pursuant to the above formula, the Village's annual distribution of the Local Option Gas Taxes for the term of this agreement shall be 2.54% of the total proceeds as distributed by the State of Florida Department of Revenue for unincorporated Lee County and all municipalities within Lee County, unless the annual distribution is modified pursuant to Section III.(c) below; such share and distribution coming solely from the County's share of the Local Option Gas Tax proceeds.

c) The Parties further agree to negotiate a new agreement at the end of this term. If no agreement is reached the percentage allocation and distribution will revert to the statutory formula.

SECTION IV.

The Village agrees and represents to the County that all Local Option Gas Tax proceeds received will be utilized by the Village for only those purposes and uses as provided for by law.

SECTION V.

a) At no time, and under no circumstances shall the agreed upon formula or distribution of Local Option Gas Tax proceeds to the Village under this Interlocal Agreement, materially, adversely affect or impact the rights of the bond holders of any outstanding Lee County Transportation Bonds which are supported in whole or in part by the Local Option Gas Tax proceeds authorized by Section 336.025, Florida Statutes, and as distributed herein.

b) Additionally, the amounts distributed to the Village and the several municipalities shall not at any time reduce the County's proceeds necessary to meet its payments of principal and interest, and reserves for such principal and interest payments required under any outstanding Lee County Transportation Bond Resolutions as of the date of this Interlocal Agreement.

SECTION VI.

a) This Interlocal Agreement is expressly contingent upon the County's continued levy by County Ordinances of the Local Option Gas Taxes as authorized by law, for the term of this Agreement.

b) If said County Local Option Gas Tax Ordinances are for any lawful reason(s) repealed, sunset or otherwise terminated by the County as to their effectiveness, then this Interlocal Agreement will automatically terminate and be of no further force or effect.

SECTION VII.

All monies distributed pursuant to this Interlocal Agreement shall solely be utilized for those transportation programs as provided for by Section 336.025(7), Florida Statutes.

SECTION VIII.

This Interlocal Agreement may only be amended as provided for herein, with the expressed consent of both Parties and executed with the same formality and dignities as this original Agreement.

SECTION IX.APPLICABLE LAW

This Agreement shall be construed and interpreted according to the laws, rules and regulations of the City, the County and the State of Florida.

SECTION X. SCOPE OF THE AGREEMENT

This Agreement, including any incorporated exhibits or amendments, constitutes the entire Agreement between the Parties and shall supersede and control over any or all prior Agreements or understandings, either written or oral, relating to the matters herein.

SECTION XI.NOTICES

All notices or demands are deemed to have been given or made when delivered in person or delivered by certified or registered mail, return receipt requested, postage prepaid, United States mail, and addressed to the respective Parties as follows:

Lee County: Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, Florida 33902-0398
Attention: County Manager

Village of Estero: Village of Estero Council
21500 Three Oaks Parkway
Estero, Florida 33928
Attention: Village Manager

The address to which any notice or demand may be given to either party may be changed in writing.

SECTION XII. MISCELLANEOUS

a) The Parties represent each to the other that they have full authority to enter into and execute this Agreement.

b) This Agreement contains all agreements, promises and understandings between the County and the Village. Any exhibits are attached hereto and incorporated herein.

c) The terms and conditions of this Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of the County and the Village.

d) The drafting of this Agreement has been a joint endeavor between the Parties and shall not, solely as a matter of judicial construction, be interpreted more strictly against one Party than the other.

e) The invalidity of any provision hereof as may be found by a court of competent jurisdiction shall in no way affect or invalidate the remaining provisions of the Agreement.

f) In no case shall either Party be liable to the other for either consequential or special damages of any kind whatsoever, including, but not limited to, lost revenues, or any other damages of any kind.

g) Any disputes between the Parties arising under this Agreement shall be governed by Florida law.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed on the day and year first written above.

ATTEST:

By:_____
Clerk, Village of Estero

VILLAGE OF ESTERO

By:_____
Nick Batos, Mayor

APPROVED AS TO FORM:

By:_____
Village Attorney

ATTEST: LINDA DOGGETT
CLERK OF THE COURTS

By:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:_____
Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By:_____
Office of the County Attorney