RESOLUTION 12-005

APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-013 AND PROVIDING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Sanibel, Florida:

SECTION 1. The revised Beach Parking Fund for fiscal year 2011-2012, Budget Amendment/Transfer BA 2012-013 true copy of which is attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved and accepted.

SECTION 2. Effective date.

This resolution shall take effect immediately upon adoption.

DUYLY PASSED AND ENACTED by the Council of the City of Sanibel, Florida this 3rd day of January 2012.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler, City Attorney

Date

Vote of Councilmembers:

Ruane
Denham
Congress
Harrity
Jennings

Date filed with City Clerk: ____________________
<table>
<thead>
<tr>
<th>FUND</th>
<th>ORG</th>
<th>OBJECT</th>
<th>DESCRIPTION</th>
<th>Project Number</th>
<th>Amount Prior To Change</th>
<th>Incr/(Decr) REVENUE</th>
<th>Incr/(Decr) EXPENSE</th>
<th>Amount After Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>470</td>
<td>470</td>
<td>337401</td>
<td>Grants from Local Units-TDC</td>
<td>401656</td>
<td>-</td>
<td>898,000</td>
<td></td>
<td>898,000</td>
</tr>
<tr>
<td>470</td>
<td>470</td>
<td>389620</td>
<td>Ending fund balance</td>
<td></td>
<td>570,005</td>
<td>(898,000)</td>
<td></td>
<td>(327,997)</td>
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</table>

**TOTAL:**

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**PURPOSE:**

To appropriate $898,000 from the Lee County Tourist Development Council (TDC) for fiscal Year 2011-12 for Sanibel Facility/Beach Maintenance. This amendment increases the FY12 budget by $896,000.

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Prepared by: F Slane  
Date: 1/3/2012  
Approved by:  
Date:  
Input by:  
GROUP #:  
Date:  

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December 14, 2011

Ms. Judith Zimomra
City Manager
CITY OF SANIBEL
800 Dunlop Road
Sanibel, Florida 33957-4096

Dear Ms. Zimomra,

Enclosed please find the fully executed "Agreement for Tourist Development Tax Funding" documents for the project approved for funding in Lee County's fiscal year 2011-2012.

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Project Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>401656</td>
<td>Sanibel Facility/Beach Maintenance</td>
<td>$ 898,000.00</td>
</tr>
</tbody>
</table>

Should you have any questions, do not hesitate to contact this office

Sincerely,

Nancy MacPhee
Program Manager

Enclosures

cc: T. Pigott, Executive Director
PURCHASE ORDER

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
DIVISION OF PURCHASING
PO BOX 398
FORT MYERS, FL 33902 - 0398
(239) 533-5450 TELEPHONE (239) 485-5460 FAX

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

FLORIDA SALES TAX EXEMPTION NO. 85-8012622170C-4

Any person or affiliate as defined by statute who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid or a contract to provide any goods or services to the County; may not submit a bid or a contract with the County for the construction or repair of a public building or a public work; may not submit bids or leases of real property to the County; may not be awarded or perform work as a contractor, supplier, subcontractor, or a consultant under a contract with the County, and may not transact business with the County in excess of $25,000 for a period of 36 months from the date of being placed on the convicted vendor list.

VENDOR: 101607
CITY OF SANIBEL
800 DUNLOP ROAD
SANIBEL, FL 33957

BUSINESS PHONE: 239 472-9615
FAX NUMBER: 239 472-3065

BILL TO: LEE COUNTY FINANCE DEPARTMENT
PO DRAWER 2238
FORT MYERS, FL 33902-2238
(239) 533-2100

SHIP TO: VISITOR & CONVENTION BUREAU - VCB
2201 SECOND STREET SUITE 600
FORT MYERS, FL 33901

REQUISITIONER: Maldonbr
BUYER: Maldonbr

P.O. NO.: 5856
QUOTE/CONTRACT NO.: BLUE SHEET # 20110968
BRANCH/PLANT: VCBOS

INTERLOCAL AGREEMENT: CITY OF SANIBEL
BLUE SHEET No. 20110968
SCHEDULED BOARD DATE: 12/06/2011

SUBJECT: TO REIMBURSE SANIBEL ISLAND FACILITY BEACH MAINTENANCE, AS OUTLINED IN THE PROJECT DESCRIPTION.

<table>
<thead>
<tr>
<th>Line</th>
<th>Rev</th>
<th>Item</th>
<th>Description/Account</th>
<th>Ordered</th>
<th>UOM</th>
<th>Unit Price</th>
<th>Extended Price</th>
<th>Req. No.</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.000</td>
<td>0</td>
<td>99916</td>
<td>INTERLOCAL GOVERNMENTAL SANIBEL FACILITY BCH MAINT. 40165630101 508150</td>
<td>EA</td>
<td>.0000</td>
<td>898,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Order: 898,000.00

PURCHASING AUTHORIZATION: ROBERT FRANCESCHINI
AGREEMENT FOR TOURIST DEVELOPMENT TAX FUNDING

THIS AGREEMENT is entered into by and between LEE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY" and the City of Sanibel, a municipality incorporated in the State of Florida, hereinafter referred to as "RECIPIENT", for funding provided by Lee County pursuant to its Tourist Development Plan.

WITNESSETH:

WHEREAS, pursuant to Florida Statutes §125.0104 and Lee County Ordinance No. 10-31 as may be amended from time to time, Lee County collects tourist development tax; and

WHEREAS, COUNTY and RECIPIENT acknowledge that the tourist development tax may only be spent in accordance with the Tourist Development Plan adopted by Lee County; and

WHEREAS, the COUNTY has approved the RECIPIENT'S request for funding under its Tourist Development Tax Plan for implementation of the following project:

NAME: Sanibel Facility/Beach Maintenance
NUMBER: 401656
NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The **RECIPIENT** will perform the work as outlined in the project description and submit a detailed invoice to the **COUNTY**. The **COUNTY** will then reimburse the **RECIPIENT** for an amount not to exceed $898,000 during the **COUNTY'S** fiscal year 2012.

2. Funding is solely limited to the project as described in the forms submitted by the **RECIPIENT** to the Tourist Development Council. **RECIPIENT** may not make any major alterations, changes or substitutions to the project description without obtaining prior approval from the Tourist Development Council and **COUNTY**. Minor changes, alterations and/or substitutions may be approved by the Director of the Visitor Convention Bureau or her designee.

3. This Agreement is subject to the **RECIPIENT'S** compliance with the following Special Conditions: None

4. **RECIPIENT** shall provide to **COUNTY** evidence of substantial activity within eighteen (18) months at the beginning of the fiscal year.

5. Unspent or unencumbered funds remaining at the end of the fiscal year may be carried over into the next fiscal year, contingent upon approval of the Board of County Commissioners.

6. Accurate records of all expenditures shall be maintained by the **RECIPIENT**, and these records shall be made available at all reasonable times for
inspection, review or audit by the COUNTY. Records shall be kept for a
period of at least three (3) years following the end of the funding period.

7. RECIPIENT will submit quarterly reports to the COUNTY. Expenditure
reports must be accompanied by sufficient supporting invoices and
documentation to support pre-audit and post-audit review. The sufficiency
of said documentation shall be determined by the Clerk of the Circuit Court,
who may seek additional information as the circumstances require.

8. The COUNTY shall not be liable to any person, firm or corporation that
contracts with the RECIPIENT to provide goods and services associated with
the project conducted with the funding. Nor shall the COUNTY be liable to
any person, firm or corporation for claims against the RECIPIENT or debts
incurred by the RECIPIENT.

9. The RECIPIENT shall reimburse the Lee County Tourist Development Tax
Trust Fund for any sums adjudged by a court of competent jurisdiction to be
an unauthorized expenditure.

10. The RECIPIENT covenants to the COUNTY that it has lawful authority to
enter into this agreement and has authorized the execution of this agreement
by its authorized representative.

11. This agreement may not be modified, amended or extended orally. This
agreement may be amended only by written agreement executed by the
governing bodies of both parties.
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by the undersigned officials, as duly authorized this 6th day of December, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: [Signature]
CHAIR

APPROVED AS TO FORM

BY: [Signature]
COUNTY ATTORNEY'S OFFICE

CITY OF SANIBEL, FLORIDA

BY: [Signature]

APPROVED AS TO FORM

BY: [Signature]
CITY ATTORNEY'S OFFICE

APPROVED FINANCIAL SUFFICIENCY
Sylvia A. Edwards, Finance Director