

AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY, SARASOTA COUNTY, AND THE CITY OF BRADENTON
FOR
THE BRADEN RIVER WATERSHED MANAGEMENT PROGRAM (B074)

This AGREEMENT, effective as of the 30th day of September 2012, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and MANATEE COUNTY, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Post Office Box 1000, Bradenton, Florida 34206-1000, hereinafter referred to as "MANATEE COUNTY"; SARASOTA COUNTY, a political subdivision of the State of Florida, whose address is 1660 Ringling Boulevard, Sarasota, Florida 34236, hereinafter referred to as "SARASOTA COUNTY"; and the CITY OF BRADENTON, a municipal corporation of the State of Florida, whose address is 101 Old Main Street, Bradenton, Florida 34205, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, the DISTRICT, MANATEE COUNTY, SARASOTA COUNTY, and the CITY entered into an agreement effective September 30, 2010, as amended September 30, 2011 for a Watershed Management Program that consists of the following elements: Digital Topographic Information, a Watershed Evaluation, and a Watershed Management Plan including a Surface Water Resource Assessment for the Braden River Watershed above the dam of the Bill Evers Reservoir (Agreement No. 2003REV0020-D), which expired on September 30, 2012;

WHEREAS, the parties hereto wish to enter into a new Agreement, incorporating the terms and conditions of the expired Agreement No. 2003REV0020-D, and replace certain terms and conditions of the expired agreement with new terms and conditions.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree as follows:

1. Except as otherwise provided herein, the terms, covenants and conditions of Agreement No. 2003REV0020-D are incorporated herein by reference, are hereby ratified, approved and confirmed, and are binding upon the parties hereto.
2. Paragraph 4, Contract Period, of Agreement No. 2003REV0020-D, is hereby replaced to the extent that the expiration date is now September 30, 2013.
3. Exhibit "A," Paragraph 5, Completion Dates, of Agreement No. 2003REV0020-D, is hereby replaced to the extent that the PROJECT will be completed by September 30, 2013.

4. The "Anticipated Performance Schedule" of Exhibit "B," Agreement No. 2003REV0020-D is hereby replaced in its entirety with the following:

The following tasks are to be completed based on the number of months indicated below beginning from the date the DISTRICT issues a Notice to Proceed to the Consultant.

<u>Task Description</u>		<u>Months</u>
III. Watershed Management Plan		
	Floodplain Analysis and Delineation	113
	Deliverables for the Watershed Management Plan	116

The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: Mark A. Hammond 7/31/13
Date
Mark A. Hammond, P.E.
Division Director, Resource Management

MANATEE COUNTY

By: Larry Bustle 5/21/13
Date
Larry Bustle, Chair
Board of County Commissioners



ATTEST: R. B. SHORE
CLERK OF CIRCUIT COURT
By: Debi Lerner
DEPUTY CLERK

ATTEST
KAREN E. RUSHING, Clerk of
The Circuit Court and
Ex-Officio Clerk of the Board
Of County Commissioners of
Sarasota County, Florida

By: Karen E. Rushing
Deputy Clerk

SARASOTA COUNTY

By: Christine Robinson 10/23/12
Date
Christine Robinson, Chair
Board of County Commissioners

APPROVED AS TO FORM AND CORRECTNESS:

By: Steph Ecker 10/23/12
Date
County Attorney TRW

CITY OF BRADENTON

By: Wayne Poston 6.27.13
Date
Wayne Poston, Mayor



AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY, SARASOTA COUNTY, AND THE CITY OF BRADENTON
FOR
THE BRADEN RIVER WATERSHED MANAGEMENT PROGRAM (B074)

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>MSM</u>	<u>7/11/12</u>
RISK MGMT	<u>PIA</u>	
CONTRACTS	<u>SMK</u>	<u>9/12/12</u>
BUREAU CHIEF	<u>SMK</u>	<u>9/14/12</u>
DIRECTOR	<u>PIA</u>	
GOVERNING BOARD		<u>NIA SMK</u>

REVISED May 21, 2013 - Regular Meeting
Agenda Item #35

Subject

Braden River Watershed Management Program

Briefings

None

Contact and/or Presenter Information

Authorized By Ron Schulhofer, Director, Public Works

Contact and/or Presenter: Thomas Gerstenberger, P.E., Stormwater Engineering Division Manager, Ext. 7228

APPROVED in Open Session

Manatee County Board of County
Commissioners

Action Requested

Authorization for Chairman to execute amendment to Cooperative Funding Agreement between Southwest Florida Water Management District (SWFWMD) and Manatee County to extend the completion date to September 30, 2013

Enabling/Regulating Authority

F.S. Chapter 125, County Government

Background Discussion

Background/ Discussion

- Following the El Nino flood, the Southwest Florida Water Management District (SWFWMD) and Manatee County identified that existing floodplain studies do not reveal the true base flood elevations.
- The Braden River watershed has been developed at an accelerated pace in recent years.
- To be able to regulate future development and protect County residents from further flooding within the watershed, a detailed watershed study is needed.
- Manatee County, the City of Bradenton, and Sarasota County, will participate with SWFWMD to fund a study at a 50/50 cost sharing program.
- On December 17, 2002, the Board of County Commissioners approved and executed the original agreement for this project.
- The watershed project is expected to be adopted by the SWFWMD governing Board in May 2013; however, the extension will be conservatively extended to September 30, 2013.
- There is no additional cost associated with this time extension.
- The remaining billable balance on the contract, as of 04/01/13, is \$0 of the total \$379,700 originally executed. The County has no obligation to fund expenses above the said amount.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Schenk

Instructions to Board Records

Please return four (4) executed agreements to Thomas Gerstenberger, P.E., for transmittal to SWFWMD. Completely executed original agreement will be forwarded to Board Records once it is received back from SWFWMD. - Snt docs via interoffice and added items to pendocs - 5/22/13 SS

Cost and Funds Source Account Number and Name

460-0010700 - Stormwater Engineering Management

Amount and Frequency of Recurring Costs

Remaining billable balance as of 04/01/13 is \$0. Any remaining expenditures to be paid by SWFWMD.

Attachment: [RLS 13-045 Braden River Water Email \(03-18-13\).pdf](#)

Attachment: [Braden River Watershed Management Program - Extension.pdf](#)

LETTER OF TRANSMITTAL



PUBLIC WORKS DEPARTMENT
Stormwater Engineering Division
1022 26th Avenue E.
Bradenton, FL 34208

MANATEE COUNTY
FLORIDA

Phone: 941-708-7462
Fax: 941-708-7475
www.mymanatee.org

To: Vickie Tessmer, Deputy Clerk
Date: August 12, 2013
Subject: Original Agreement for Records
Project: Braden River Watershed Management Program (B074)

RECEIVED
AUG 12 2013
BOARD RECORDS

COPIES	DESCRIPTION
1 Original	Agreement No. 2003REV0020-E - First Amendment to Braden River Watershed Management Program (B074) Agreement No 2003REV0020-D Between the Southwest Florida Water Management District, Manatee County, Sarasota County and the City of Bradenton

COPIES ARE TRANSMITTED FOR REASON(S) CHECKED BELOW:

- FOR YOUR RECORDS FOR YOUR INFORMATION
 AS REQUESTED COPY AND RETURN
 FOR YOUR REVIEW & COMMENTS FOR SIGNATURE

REMARKS: Please record. If you have any questions, please do not hesitate to call me at Ext. 7228. Thank you for your assistance.



Thomas R. Gerstenberger, P.E.
Infrastructure Engineering Division Manager

TRG/jh

cc: Sia Mollanazar, P.E., Deputy Director - Engineering Services
Barbara Green, Fiscal Services Manager

Public Works Department
Stormwater Engineering Division
Mailing Address: P. O. Box 1000, Bradenton, FL 34206-1000 Street Address: 1022 26th Avenue East, Bradenton, FL 34208
WEB: www.mymanatee.org * PHONE: 941.708.7462 * FAX: 941.708.7475



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

On the World Wide Web at WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

July 31, 2013

Carlos Beruff
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Vice Chair, Hillsborough

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Secretary, Pasco

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Former Chair, Polk

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Thomas E. Bronson
Hernando, Marion

Jennifer E. Closshey
Hillsborough

Wendy Griffin
Hillsborough

George W. Mann
Polk

Vacant
Charlotte, Sarasota

Vacant
Citrus, Lake, Levy, Sumter

Blake C. Gulliford
Executive Director

Kenneth Kohn, P.E.
Manatee County Public Works Department
Stormwater Management Division
1022 26th Avenue East
Bradenton, Florida 34208

**Subject: Braden River Watershed Management Program (B074)
SWFWMD Agreement No. 2003REV0020-E**

Dear Mr. Kohn:

Enclosed is one fully executed original of the Agreement between the District, Manatee County, Sarasota County, and the City of Bradenton for the subject project. The Agreement incorporates the terms of the expired Agreement No. 2003REV0020-D and extends the previous Agreement's contract period to September 30, 2013.

If you have any questions, please contact me at the Brooksville office, extension 4231.

Sincerely,

Nam Q. Nguyen, P.E.
Engineering and Watershed Management Section
Water Resources Bureau

BRM/nqn

L:\ENG\PROJECTS\B074-021 BRADEN RIVER PROGRAM\CORRESPONDENCE\L-KOHNKENNETH 20130731_2003REV0020-E.DOC

Enclosure

RECEIVED

AUG 05 2013

PUBLIC WORKS
ENGINEERING DIVISION



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

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On the Internet at WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
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Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

H. Paul Senft, Jr.
Chair, Polk

Hugh M. Gramling
Vice Chair, Hillsborough

Douglas B. Tharp
Secretary, Sumter

Albert G. Joerger
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Manatee

Bryan K. Beswick
DeSoto

Jennifer E. Closshey
Hillsborough

Randall S. Maggard
Pasco

Blake C. Gullfory
Executive Director

November 1, 2012

Kenneth Kohn, P.E.
Manatee County Public Works Department
Stormwater Management Division
1022 26th Avenue East
Bradenton, FL 34208

Subject: Braden River Watershed Management Program (B074)
SWFWMD Agreement No. 2003REV0020-E

Dear Mr. Kohn:

Enclosed are four originals of the renewal to the expired Agreement between the District, Manatee County, Sarasota County, and the City of Bradenton for the subject project. This agreement is a no-cost time extension that extends the contract expiration date by one year from September 30, 2012 to September 30, 2013.

Please have all originals signed, dated and returned to my attention. After execution by the District, a fully executed agreement with all cooperating parties' signatures will be returned for your files.

If you have any questions, please contact me at the Brooksville office, extension 4231.

Sincerely,

Nam Q. Nguyen, P.E.
Engineering and Watershed Management Section
Water Resources Bureau

NQN/brm

L:\ENG\PROJECTS\B074-021 BRADEN RIVER PROGRAM\CORRESPONDENCE\L-KOHN_20121101_2003REV0020-E.DOC

Enclosures (4)

RECEIVED

NOV 06 2012

PUBLIC WORKS
ENGINEERING DIVISION





RLS 13-045 Braden River Watershed SWFWMD Agreement

Sarah Schenk to: Tom Gerstenberger

03/18/2013 11:23 AM

Cc: Mitchell Palmer, Ron Schulhofer, Sia Mollanazar, Carmen Mosley,
Barbara Gilmore

History: This message has been replied to.

Tom,

We have reviewed the attached Agreement constituting a second amendment to the Cooperative Funding Agreement, a copy of which is attached, for the Braden River Watershed Management Program. The proposed Agreement appears to be in a format consistent with the earlier agreements regarding this Project.

The purpose of the amendment is to extend the term of the Agreement to enable completion of the Project, without the County incurring any additional expense, as stated in the RLS.

The proposed Agreement is in satisfactory legal form for consideration to be presented to the BOCC for approval.

Please note the signature line should be updated to reflect the name of the current Chairman-Larry Bustle.

This concludes this response to the Request for Legal Services .

Sarah A. Schenk
Assistant County Attorney
Manatee County Attorney's Office
1112 Manatee Ave. W., Ste. 969
P.O. Box 1000
Bradenton, FL 34206-1000
Phone: (941) 745-3750



- DOC130.PDF

File:	
Assigned To:	

REQUEST FOR LEGAL SERVICES

TO: Mitchell O. Palmer, County Attorney

AUTHORIZED BY: Ron Schulhofer, Public Works Director

SUBJECT: Braden River Watershed Management Program - Extension

CONTACT PERSON: Thomas R. Gerstenberger, P.E., Stormwater Engineering Division Manager **TRG**

DATE: February 19, 2013

Service Required: (please circle or underline)		
<u>Review Documents</u>	Draft Document	<u>Written Opinion Requested</u>
Attend Meetings	Advise	Other:

1. **Brief statement of the nature of the request or problem:**
 Manatee County has an existing Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD) for the Braden River Watershed Management Program (study) that is scheduled to expire on September 30, 2012. Attached you will find the amendment to the above agreement that would extend the expiration to September 30, 2013, with no other changes.

2. **Discussion of the implications and the possible impact if not apparent from preceding information:**
 The County has funded this study for the past several years and this extension is required to complete the project. Without this time extension, the County stands to terminate the cooperative funding and lose funding up to this point.

3. **Time considerations and their significance:**
 At the earliest convenience.

4. **Factual background:**
 This agreement has been extended previously in 2009, 2010 and 2011. Sarah Schenk has provided memoranda for previous extensions on June 8, 2009, September 16, 2010, and email correspondence on October 10, 2011. Please see attached memoranda.

5. **List and/or attach related documents and known authorities (i.e., statute, ordinance, resolution, administrative code, legal case, contract, lease, letter, memorandum, prior legal opinion, etc.).**
 Cooperative Funding Agreement.

Mitchell O. Palmer, County Attorney

Page 2

February 19, 2013

6. **Identify prior legal assistance on this or a related matter and the attorney who handled it:**
Sarah Schenk has provided memoranda for previous extensions on June 8, 2009, September 16, 2010 and email correspondence on October 10, 2011. Please see attached memoranda.

7. **Name and telephone number of other interested or opposing parties or their counsel:**
Nam Q. Nguyen, P.E., Southwest Florida Water Management District, 352-796-7211 x4231.
Sia Mollanazar, P.E., Deputy Director – Engineering Services, 708-7487
Thomas Gerstenberger, P.E., Stormwater Engineering Division Manager, 708-7450 x7228

8. **Other (anything else that should be brought to the attention of the County Attorney's Office):**
N/A

RS/trg

Attachments: Braden River Watershed Management Program - Extension
Email correspondence from Sara A. Schenk for Bradenton River Watershed Management (Oct.10, 2011)
Review Memorandum from Sarah A. Schenk for Braden River Watershed Management (Sept.16, 2010)
Review Memorandum from Sarah A. Schenk for Braden River Watershed Management (June 08, 2009)

cc: Ed Hunzeker, County Administrator
Sia Mollanazar, P.E., Deputy Director – Engineering Services, Public Works *SM*
Carmen Mosley, Fiscal Operations Division Manager, Public Works *CM*
Barbara Gilmore, Senior Administrative Specialist, Public Works