



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)

WaterMatters.org

Bartow Office

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

Sarasota Office

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

Tampa Office

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

Randall S. Maggard
Chair, Pasco

Jeffrey M. Adams
Vice Chair, Pinellas

Bryan K. Beswick
Secretary, DeSoto, Hardee,
Highlands

Ed Armstrong
Treasurer, Pinellas

H. Paul Senft, Jr.
Former Chair, Polk

Michael A. Babb
Former Chair, Hillsborough

Thomas E. Bronson
Hernando, Marion

Wendy Griffin
Hillsborough

John Henslick
Manatee

George W. Mann
Polk

Michael A. Moran
Charlotte, Sarasota

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Vacant
Hillsborough, Pinellas

Brian J. Armstrong, P.G.
Executive Director

February 23, 2017

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

Subject: Cooperative Agreement-Provide Access to Near Real Time District
Data Collection, Amendment No. 001-Agreement No. 15MA0000001

Dear Mr. Kohn:

Enclosed is an executed original of the above-referenced agreement between the
Southwest Florida Water Management District and Manatee County for your records.

If you have any questions, please contact me at extension 4284 at the Brooksville office.

Sincerely,

Granville Kinsman, P.G.
Manager
Hydrologic Data Section
Data Collection Bureau

GK/lc
Enclosures (1)

RECEIVED

FEB 24 2017

PUBLIC WORKS
ENGINEERING DIVISION

FIRST AMENDMENT
TO COOPERATIVE AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

This FIRST AMENDMENT entered into and effective the 1st day of June, 2015 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, Bradenton, Florida 34205, hereinafter referred to as the "COUNTY."

WITNESSETH:

WHEREAS, the DISTRICT and the COUNTY entered into an agreement effective December 15, 2015 (Agreement No. 15MA0000001) hereinafter referred to as the "Existing Agreement," to provide access to near real-time District data collection; and

WHEREAS, the parties hereto wish to amend the Existing Agreement to add one additional surface water and rainfall monitoring site at Mill Creek and 131st Street.

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

1. Paragraph 2, Specific Project Related Provisions, is hereby amended to replace the first paragraph in its entirety with the following:

SPECIFIC PROJECT-RELATED PROVISIONS. The DISTRICT shall collect near real-time data from nine surface water and rainfall monitoring sites and make them available to the COUNTY.

2. Subparagraph 2.8, Specific Project Related Provisions, is hereby replaced in its entirety with the following:

2.8 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of the Mill Creek at 131st Street data collection site, and deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88), and will install a direct reading USGS Style A staff gauge, calibrated to the NAVD88 datum within the channel of Mill Creek. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.

3. Paragraph 5, Access, is hereby replaced in its entirety with the following:

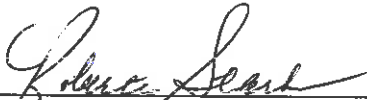
ACCESS. The COUNTY hereby grants permission to the DISTRICT and any of its agents, contractors, employees, or any other individual that is performing any of the DISTRICT's obligations under this Agreement, to enter upon the COUNTY'S real property to access the nine stations identified in Attachment "A".

4. Attachment "A," Property Locations, attached hereto, is hereby replaced in its entirety.
5. The terms, covenants and conditions set forth in the Existing Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

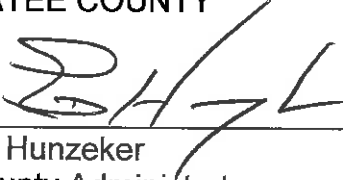
The remainder of this page intentionally left blank.

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

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By:  8-3-16
Roberta Starks Date
Data Collection Bureau Chief

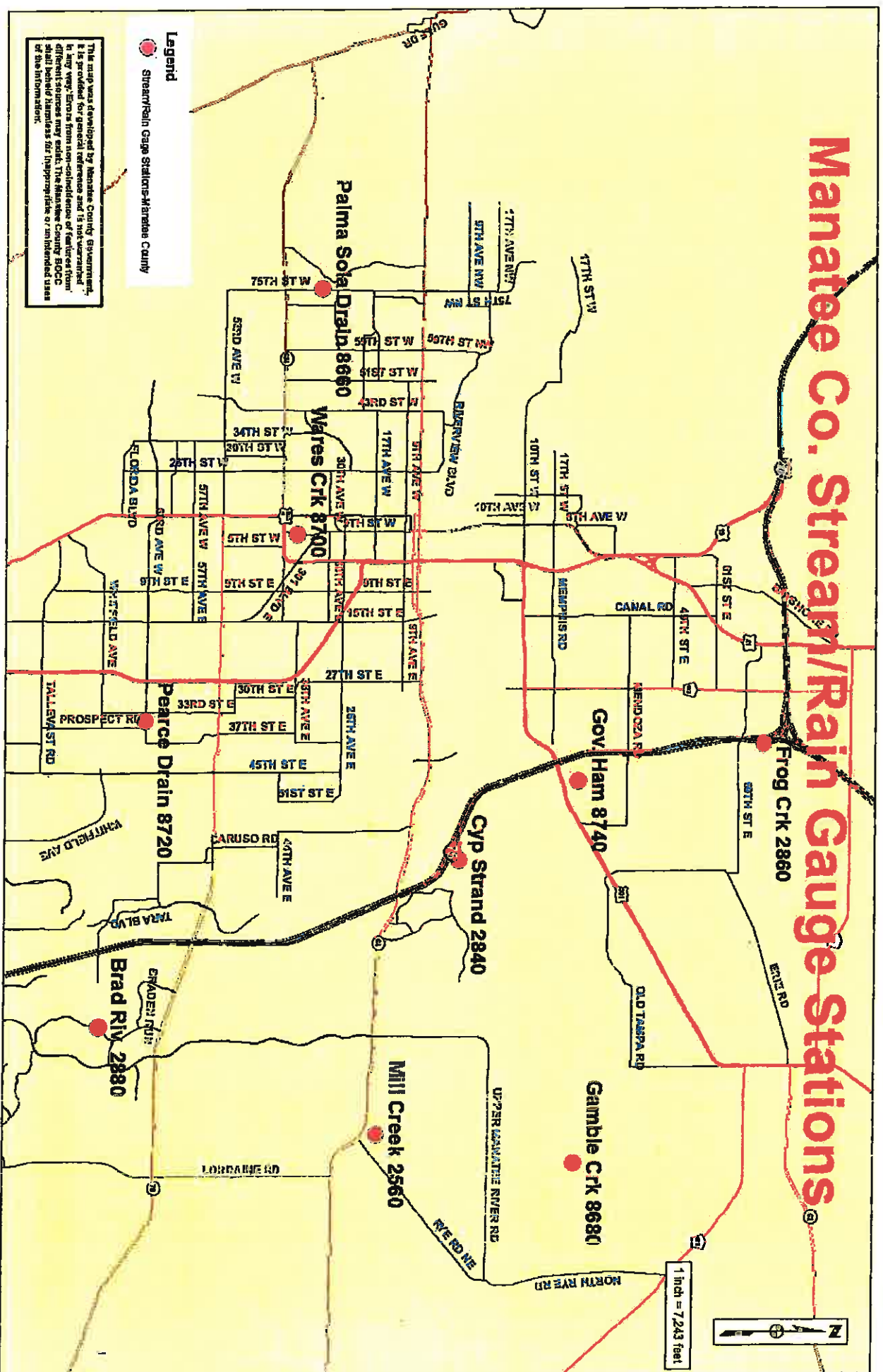
MANATEE COUNTY

By:  2-7-17
Ed Hunzeker Date
County Administrator

FIRST AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>MBM</u>	<u>7/26/16</u>
RISK MGMT	<u>NA</u>	<u>—</u>
CONTRACTS	<u>BB</u>	<u>7-29-16</u>
BUREAU CHIEF	<u>B</u>	<u>8-3-16</u>
DIRECTOR	<u>PIA</u>	<u>—</u>
GOVERNING BOARD	<u>—</u>	<u>—</u>

Manatee Co. Stream/Rain Gauge Stations



Legend
● Stream/Rain Gauge Stations-Manatee County

This map was developed by Manatee County Government. It is provided for general reference and is not warranted in any way. Errors from non-conformance of features from different sources may exist. The Manatee County BOCC shall provide the means for interpretation of intended uses of the information.



1 inch = 7.243 feet

APPROVED in Open Session

Manatee County Board of County
Commissioners

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - February 7, 2017

February 7, 2017 - Regular Meeting
Agenda Item #36

2/7/17

Subject

Amendment to Cooperative Agreement, Stream and Rainfall Data Collection for an additional stream and rainfall data collection location at Mill Creek

Briefings

None

Contact and/or Presenter Information

Sia Mollanazar, P.E., Deputy Director - Engineering Services, Public Works Dept., Ext. 7487

Action Requested

Authorization for the County Administrator to execute the "First Amendment to Cooperative Agreement Between the Southwest Florida Water Management District and Manatee County to Provide Access to Near Real-Time District Data Collection" to include Mill Creek as an additional stream and rainfall data collection location.

Enabling/Regulating Authority

F. S. Chapter 125, County Government

Background Discussion

The Southwest Florida Water Management District (SWFWMD) has agreed to amend the Cooperative Agreement with Manatee County to add a new stream and rain gauge station at Mill Creek at the request of Manatee County Public Works. The original agreement (attached) was executed December 15, 2015. The Mill Creek station will be located at 131st Street on Mill Creek (see attached site map-station No.2560). The station is being added to monitor flood stages and rainfall in Mill Creek which is a Flood prone watershed (Section 2.3.1 of Manatee County Public Works Standards, Part 2-Stormwater Management Design Manual). This new station and the data collected will be critical with respect to assessment of flooding and also utilized for a wide range of engineering and operational purposes. Attached you will find a copy of the First Amendment to the Cooperative Agreement.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Zamboni

Instructions to Board Records

Emailed, interofficed 2/10/17

Please return two (2) executed agreements to Thomas Gerstenberger, P.E., Stormwater Engineering Division Manager, Public Works Department for transmission to the Southwest Florida Water Management District

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - February 7, 2017

(SWFWMD). Once the agreement has been executed by the SWFWMD, an original will be forwarded to Board Records for retention.

Cost and Funds Source Account Number and Name
460-0010700/Stormwater Engineering

Amount and Frequency of Recurring Costs
\$0

Attachment: [Final Cooperative Agreement - 15MA0000001.pdf](#)

Attachment: [Rain Stream Gauge Locations.pdf](#)

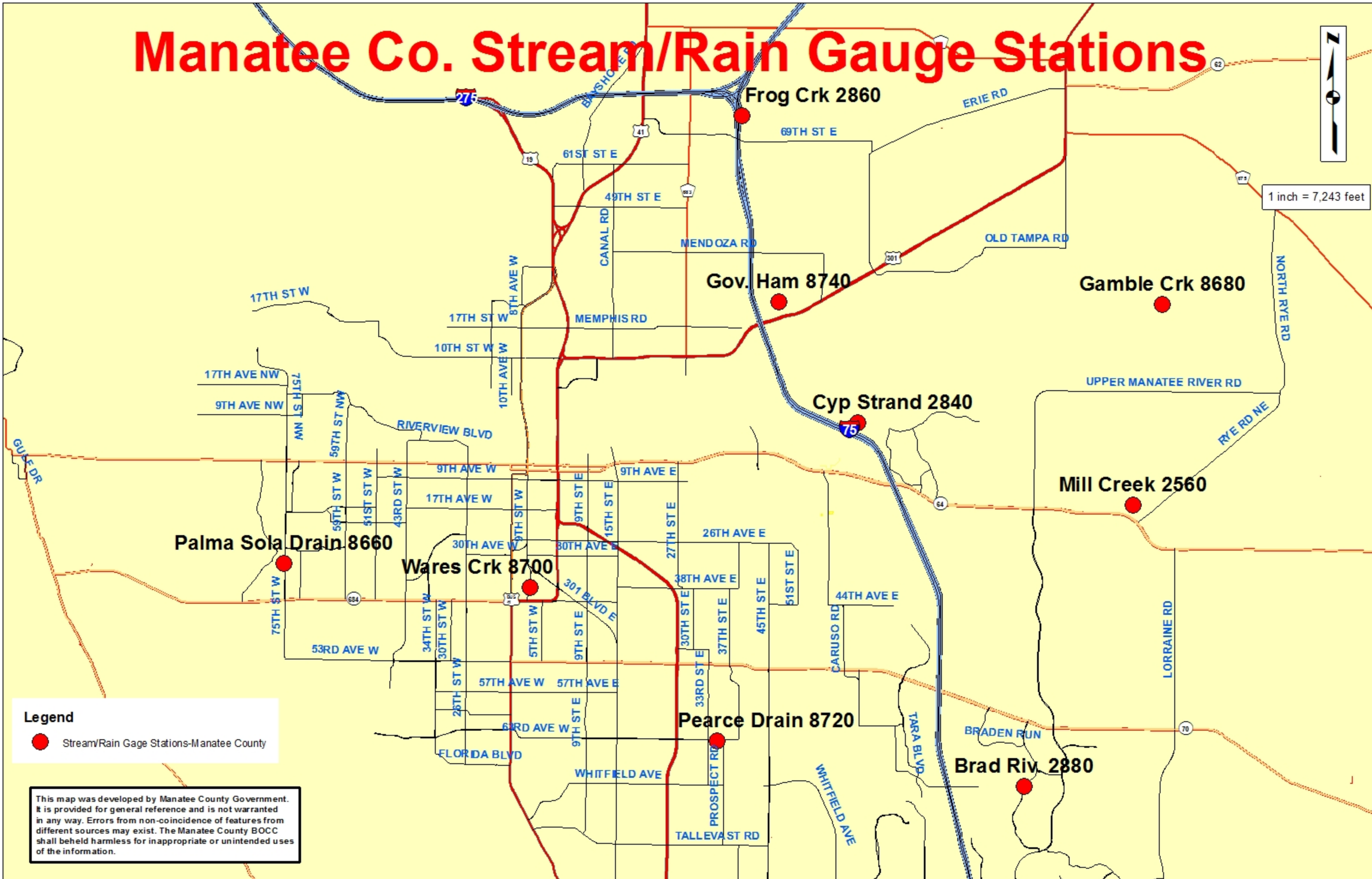
Attachment: [First Amendment to Cooperative Agreement.pdf](#)

Attachment: [CAO RLS No 2016-70.pdf](#)


Manatee Co. Stream/Rain Gauge Stations



1 inch = 7,243 feet



Legend

-  Stream/Rain Gage Stations-Manatee County

This map was developed by Manatee County Government. It is provided for general reference and is not warranted in any way. Errors from non-coincidence of features from different sources may exist. The Manatee County BOCC shall be held harmless for inappropriate or unintended uses of the information.



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)
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)

Michael A. Babb
Chair, Hillsborough

Randall S. Maggard
Vice Chair, Pasco

Jeffrey M. Adams
Secretary, Pinellas

David W. Dunbar
Treasurer, Hillsborough, Pinellas

H. Paul Senft, Jr.
Former Chair, Polk

Ed Armstrong
Pinellas

Bryan K. Beswick
DeSoto, Hardee, Highlands

Thomas E. Bronson
Hernando, Marion

Wendy Griffin
Hillsborough

John Henslick
Manatee

George W. Mann
Polk

Michael A. Moran
Charlotte, Sarasota

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Robert R. Beltran, P.E.
Executive Director

December 16, 2015

Mr. Kenneth Kohn
Manatee County Public Works
1022 26th Avenue East
Bradenton, Florida 34208

Subject: Cooperative Agreement with Manatee County
SWFWMD Agreement No. 15MA0000001

Dear Mr. Kohn:

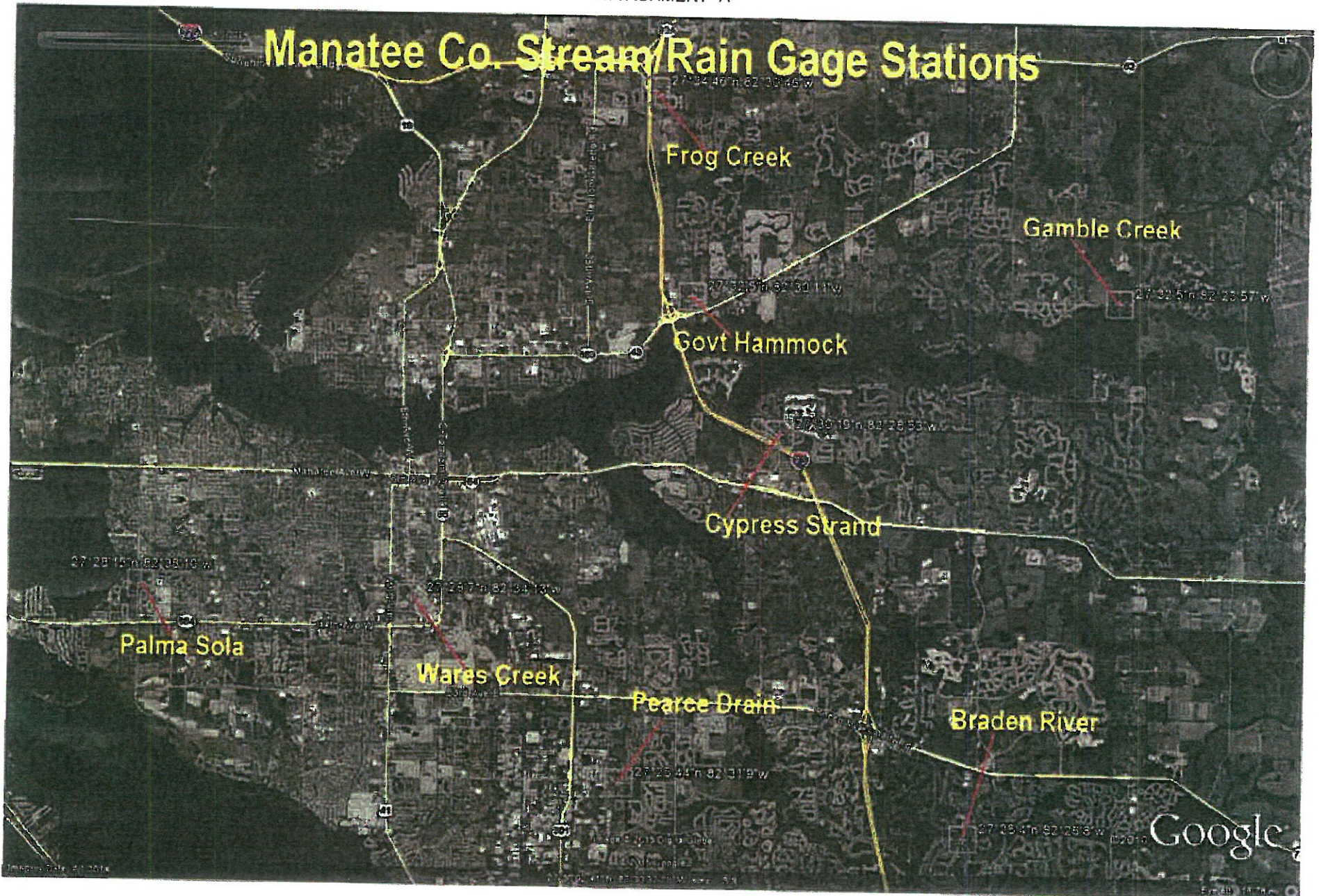
Enclosed is one fully executed original of the agreement between the Southwest Florida Water Management District and Manatee County Public Works for the subject project. Please accept this letter as your written notice to proceed, effective December 15th 2015.

If you have any questions, please contact me at extension 4284 at the Brooksville office. I look forward to working with you on this project.

Sincerely,

Granville Kinsman, P. G.
Manager, Hydrologic Data Section
Data Collection Bureau

GK/rgf
Enclosures (2)



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

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Roberta Starks Date
Data Collection Bureau Chief

MANATEE COUNTY

By: _____
Betsy Benac, Chairperson Date
Board of County Commissioners

Attest:

By: _____
R.B. Shore
Clerk of Circuit Court

AGREEMENT
BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>MBM</u>	<u>9/2/15</u>
RISK MGMT	<u>N/A</u>	<u></u>
CONTRACTS	<u>EBC</u>	<u>9/8/15</u>
BUREAU CHIEF	<u>RS</u>	<u>9-28-15</u>
DIRECTOR	<u>N/A</u>	<u>N/A</u>
GOVERNING BOARD	<u>N/A EBC</u>	<u></u>



OFFICE OF THE COUNTY ATTORNEY

MITCHELL O. PALMER, COUNTY ATTORNEY*
Robert M. Eschenfelder, Chief Assistant County Attorney**
William E. Clague, Assistant County Attorney
Sarah A. Schenk, Assistant County Attorney**
Christopher M. De Carlo, Assistant County Attorney
Geoffrey K. Nichols, Assistant County Attorney
Pamela J. D'Agostino, Assistant County Attorney
Anne M. Morris, Assistant County Attorney
Katharine M. Zamboni, Assistant County Attorney

MEMORANDUM

DATE: October 19, 2016

TO: Sia Mollananzar, P.E., Deputy Director – Engineering Services, Public Works Department

THROUGH: Mitchell O. Palmer, County Attorney *MOP 10-20-16*

FROM: Katharine M. Zamboni, Assistant County Attorney *KMZ*

RE: **First Amendment to Cooperative Agreement to Provide Access to Near Real-Time District Data Collection
Request for Legal Services; CAO File No. 2016-770**

You requested legal review of an Amendment to the Cooperative Agreement between Manatee County and the Southwest Florida Water Management District (SWFWMD) to Provide Access to Near Real-Time District Data Collection.

I have reviewed the amendment and find it to be legally sufficient. I have one minor comment. The original agreement refers to Manatee County as the "COUNTY." The opening paragraph of the amendment identifies Manatee County as the "COOPERATOR." The remainder of the amendment does not use the term COOPERATOR. Instead the amendment remains consistent with the original agreement by using the term COUNTY. Therefore, I recommend requesting that SWFWMD provide a replacement page one that replaces COOPERATOR with COUNTY, as noted on the attached page.

I trust this response adequately addresses your question. Should you have any further questions or require any further assistance, please do not hesitate to contact this Office.

KMZ

Enclosure

Copies to: Ed Hunzeker, County Administrator
Karen Windon, Deputy County Administrator
Dan Schlandt, Deputy County Administrator
Ron Schullhofer, Director, Public Works Department

* Board Certified in Construction Law

** Board Certified in City, County, & Local Government Law

FIRST AMENDMENT
TO COOPERATIVE AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO

PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

This FIRST AMENDMENT entered into and effective the 1st day of June, 2015 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, Bradenton, Florida 34205, hereinafter referred to as the "COOPERATOR."

COUNTY

WITNESSETH:

WHEREAS, the DISTRICT and the COUNTY entered into an agreement effective December 15, 2015 (Agreement No. 15MA0000001) hereinafter referred to as the "Existing Agreement," to provide access to near real-time District data collection; and

WHEREAS, the parties hereto wish to amend the Existing Agreement to add one additional surface water and rainfall monitoring site at Mill Creek and 131st Street.

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

1. Paragraph 2, Specific Project Related Provisions, is hereby amended to replace the first paragraph in its entirety with the following:

SPECIFIC PROJECT-RELATED PROVISIONS. The DISTRICT shall collect near real-time data from nine surface water and rainfall monitoring sites and make them available to the COUNTY.

2. Subparagraph 2.8, Specific Project Related Provisions, is hereby replaced in its entirety with the following:

2.8 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of the Mill Creek at 131st Street data collection site, and deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88), and will install a direct reading USGS Style A staff gauge, calibrated to the NAVD88 datum within the channel of Mill Creek. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.



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)
WaterMatters.org

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

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

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

Randall S. Maggard
Chair, Pasco

Jeffrey M. Adams
Vice Chair, Pinellas

Bryan K. Beswick
Secretary, DeSoto, Hardee,
Highlands

Ed Armstrong
Treasurer, Pinellas

H. Paul Senft, Jr.
Former Chair, Polk

Michael A. Babb
Former Chair, Hillsborough

Thomas E. Bronson
Hernando, Marion

Wendy Griffin
Hillsborough

John Henslick
Manatee

George W. Mann
Polk

Michael A. Moran
Charlotte, Sarasota

Kelly S. Rice
Citrus, Lake, Levy, Sumter

Vacant
Hillsborough, Pinellas

Brian J. Armstrong, P.G.
Executive Director

August 3, 2016

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

Subject: Cooperative Agreement-Provide Access to Near Real Time District
Data Collection, Amendment No. 001-Agreement No. 15MA0000001

Dear Mr. Kohn:

Enclosed are two originals of the above-referenced agreement between the Southwest Florida Water Management District and Manatee County. Please have both originals signed, dated and return one executed original to my attention.

If you have any questions, please contact me at extension 4284 at the Brooksville office.

Sincerely,

Granville Kinsman, P.G.
Manager
Hydrologic Data Section
Data Collection Bureau

GK/llc
Enclosures (2)

RECEIVED

AUG 04 2016

PUBLIC WORKS
ENGINEERING DIVISION

FIRST AMENDMENT
TO COOPERATIVE AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

This FIRST AMENDMENT entered into and effective the 1st day of June, 2015 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, Bradenton, Florida 34205, hereinafter referred to as the "COOPERATOR."

WITNESSETH:

WHEREAS, the DISTRICT and the COUNTY entered into an agreement effective December 15, 2015 (Agreement No. 15MA0000001) hereinafter referred to as the "Existing Agreement," to provide access to near real-time District data collection; and

WHEREAS, the parties hereto wish to amend the Existing Agreement to add one additional surface water and rainfall monitoring site at Mill Creek and 131st Street.

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

1. Paragraph 2, Specific Project Related Provisions, is hereby amended to replace the first paragraph in its entirety with the following:

SPECIFIC PROJECT-RELATED PROVISIONS. The DISTRICT shall collect near real-time data from nine surface water and rainfall monitoring sites and make them available to the COUNTY.

2. Subparagraph 2.8, Specific Project Related Provisions, is hereby replaced in its entirety with the following:

2.8 The COUNTY shall establish two (2) permanent elevation benchmarks within 50 feet of the Mill Creek at 131st Street data collection site, and deliver a certified survey report publishing elevation relative to the North American Vertical Datum of 1988 (NAVD88), and will install a direct reading USGS Style A staff gauge, calibrated to the NAVD88 datum within the channel of Mill Creek. Water level elevation data will be provided relative to the NAVD88 datum. Copies of the signed and sealed survey for the benchmarks and staff gauge will be provided to the DISTRICT Project Manager.

3. Paragraph 5, Access, is hereby replaced in its entirety with the following:


ACCESS. The COUNTY hereby grants permission to the DISTRICT and any of its agents, contractors, employees, or any other individual that is performing any of the DISTRICT's obligations under this Agreement, to enter upon the COUNTY'S real property to access the nine stations identified in Attachment "A".

4. Attachment "A," Property Locations, attached hereto, is hereby replaced in its entirety.
5. The terms, covenants and conditions set forth in the Existing Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

The remainder of this page intentionally left blank.

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

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By:  8-3-16
Roberta Starks Date
Data Collection Bureau Chief

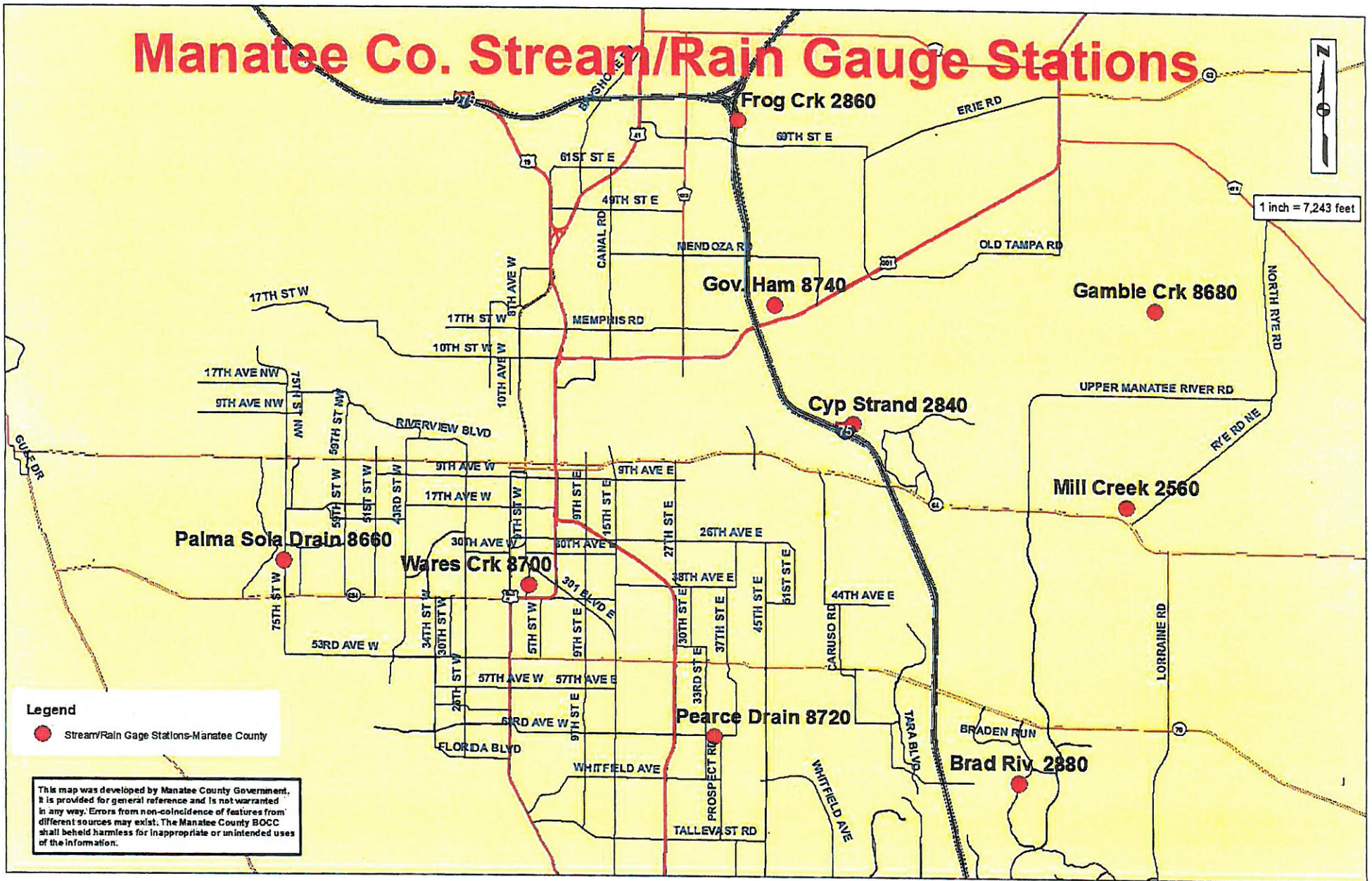
MANATEE COUNTY

By: _____
Ed Hunzeker Date
County Administrator

FIRST AMENDMENT
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
MANATEE COUNTY
TO
PROVIDE ACCESS TO NEAR REAL-TIME DISTRICT DATA COLLECTION

DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>MBM</u>	<u>7/26/16</u>
RISK MGMT	<u>N/A</u>	<u>—</u>
CONTRACTS	<u>BQ</u>	<u>7-29-16</u>
BUREAU CHIEF	<u>B</u>	<u>8-3-16</u>
DIRECTOR	<u>P/A</u>	<u>—</u>
GOVERNING BOARD	<u>—</u>	<u>—</u>

Manatee Co. Stream/Rain Gauge Stations



Legend
● Stream/Rain Gage Stations-Manatee County

This map was developed by Manatee County Government. It is provided for general reference and is not warranted in any way. Errors from non-coincidence of features from different sources may exist. The Manatee County BOCC shall be held harmless for inappropriate or unintended uses of the information.