

HENDRY COUNTY
Board of County Commissioners
P.O. Box 2340
LaBelle, Florida 33975-2340

Charles T. Chapman IV
County Administrator

Mark F. Lapp
County Attorney

Barbara Butler
Clerk of the Courts

(863) 675-5295
March 12, 2014

Mary Jo Wilson, Deputy City Clerk
City of LaBelle
P.O. Box 458
LaBelle, Florida 33975

RE: First Amendment to Second Amended and Restated Interlocal Recreation Agreement

Dear Mrs. Wilson:

Enclosed please find two originals of the First Amendment to Second Amended and Restated Interlocal Agreement governing the joint provision of recreational programs and management and maintenance of recreational facility in the western part of the County. If approved by your Board at their March 13, 2014 meeting, please have the appropriate officials execute both originals and return one original to the County Attorney's office for our records.

Thank you for your attention to this matter. Please feel free to contact Mark Lapp at (863) 675-5295 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "FBP".

Felicia Bee-Pequeno, FRP
Legal Assistant to Mark Lapp
Hendry County Attorney

FBP
encl.

**FIRST AMENDMENT TO SECOND AMENDED
AND RESTATED INTERLOCAL RECREATION AGREEMENT**

THIS AGREEMENT made and entered into this 13th day of March 2014, amends that certain agreement made and entered into on May 17, 2012, between HENDRY COUNTY, a political subdivision of the State of Florida, hereinafter called "County", and the CITY OF LABELLE, a municipal corporation existing under the laws of Florida, hereinafter called "City", to provide for recreational programs and management and maintenance of recreational facilities for the residents of the City and unincorporated areas in the western part of the County.

WHEREAS, the parties entered into the Second Amended and Restated Interlocal Recreation Agreement on May 17, 2012, hereinafter called "Agreement", to govern the joint provision of recreational programs and management and maintenance of recreational facilities for the residents of the City and unincorporated areas in the western part of the County; and

WHEREAS, the Hendry-LaBelle Recreation Board created pursuant to the parties' original interlocal agreement, hereinafter referred to as "Board", desires to construct improvements at the LaBelle Recreational Park – Forrey Drive, and has found it necessary to obtain a loan to pay for the project; and

WHEREAS, Florida Statute 163.01, which provides statutory authority for local governments to enter into interlocal agreements, authorizes additional powers for boards created pursuant thereto beyond that which were set forth in the Agreement, including incurring debts, liabilities and obligations which do not constitute the debts, liabilities or obligations of any of the parties to the agreement, and constructing and operating buildings, works or improvements; and

WHEREAS, the Agreement did not specify that it was entered into pursuant to Florida Statute 163.01 and the parties now wish to declare that the Agreement was and is entered into under the authority of that statute; and

WHEREAS, the parties wish to amend the Agreement to include authority for the Board to incur debts, liabilities and obligations which do not constitute the debts, liabilities or obligations of any of the parties to the agreement and additional provisions related thereto, as well as authority for the Board to construct and operate buildings, works and improvements.

NOW, THEREFORE, COUNTY AND CITY HEREBY AGREE AS FOLLOWS:

1. The parties accept and adopt the foregoing recitals.
2. Section 4 of the Second Amended and Restated Interlocal Recreation Agreement is modified to read as follows (new text is underlined and deleted text is ~~stricken~~):
 4. The Board shall commence and operate recreational programs within and without Hendry County for the principal benefit of the residents of the City and that portion of Hendry County included within the West Hendry County Recreational Municipal Services Benefit Unit as established by Hendry County Resolution No. 88-71, and for such purposes the Board may employ necessary

persons; enter into contracts for and purchase services, supplies, and goods; incur debts, liabilities or obligations which do not constitute the debts, liabilities or obligations of the City or the County; and construct, manage, and maintain and operate the parks, recreational facilities and lands specifically identified by this agreement or placed under the Board's control by subsequent resolutions of City and County.

3. Section 8 of the Second Amended and Restated Interlocal Recreation Agreement is modified to read as follows (new text is underlined and deleted text is ~~stricken~~):

8. The City shall assess and collect a special assessment of \$100.00 from each residence within the City of LaBelle, and the County shall assess and collect a special assessment of \$100.00 from each residence within the West Hendry County Recreation Municipal Service Benefit Unit as established by Hendry County Resolution No. 88-71, and the proceeds from such special assessments shall be jointly appropriated each year, along with such other moneys as determined by City and County, for recreational expenditures consistent with this agreement. Notwithstanding the above, City and County may assess a lesser amount or provide rebates, as each may choose, for recreational vehicle park sites. These special assessments may be amended from year to year by subsequent agreement of the City and County, provided, however, that the special assessments adopted by the City and County shall be of an equal amount and shall be adequate to fund the operations of the Board. Nothing in this agreement shall preclude either the City or the County from appropriating funds (in addition to the special assessment) to the Board for any recreational facility included in, or subsequently added to, this agreement. Additionally, the City retains the right to increase the special assessment relative to the City independent of the County for City purposes, however, the City hereby agrees to continue the pledge of special assessment revenue relative to the LaBelle Recreational Park – Forrey Drive project.

4. Section 17 of the Second Amended and Restated Interlocal Recreation Agreement is modified to read as follows (new text is underlined and deleted text is ~~stricken~~):

17. This interlocal agreement ~~may be terminated on October 1st of any year by either party upon a resolution adopted by that party's governing body and served upon the other party prior to June 15th of that year~~ shall remain in effect until at least September 30, 2031. This interlocal agreement shall continue thereafter on a year-to-year basis (October 1 – September 30) unless either party's governing body adopts a resolution expressing a desire not to renew the agreement for another year and provides such resolution to the other party by June 15th prior to the desired date of termination.

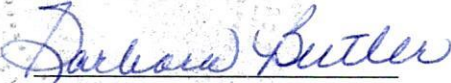
5. The Second Amended and Restated Interlocal Recreation Agreement is modified to add a new Section 20 as follows:

Authority


20. This agreement is entered into under the authority of Florida Statute 163.01.

In all other ways the Second Amended and Restated Interlocal Recreation Agreement is unmodified.

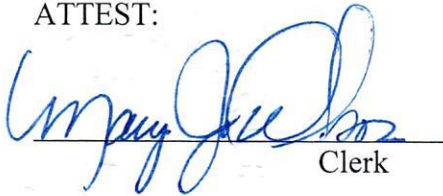
ATTEST:


Barbara Butler, Clerk

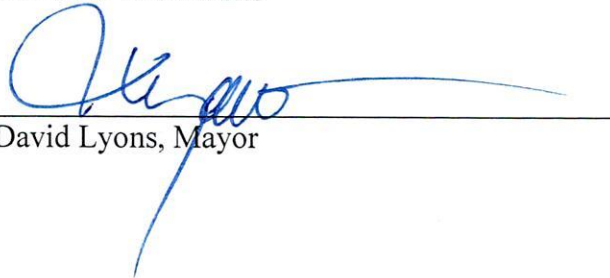
HENDRY COUNTY


Karson Turner, Chairman, County Commission

ATTEST:


Clerk

CITY OF LABELLE


David Lyons, Mayor