

Memorandum of Understanding
Cape Coral Construction Industry Association and the City of Cape Coral

Recitals

WHEREAS, the Cape Coral Construction Industry Association (CCCCIA) and the City of Cape Coral, hereinafter the Parties, desire to work together to implement the provisions of Sections 166.222 and 553.80, Florida Statutes; and

WHEREAS, the CCCCIA desire's to make clear the CCCCIA's role in implementing the cited statutory provision to insure building permit fees are utilized appropriately; and

WHEREAS, the CCCCIA, in cooperation with the City of Cape Coral, intends to review certain City budgeting procedures and reports of revenues and expenditures pertaining to building permit fees to insure that adequate funding is available to meet established levels of service standards; and

WHEREAS, the Parties understand that these reviews may include suggestions or recommendations from the CCCCIA to City staff regarding the use and amount of building permit fees and the level and type of service provided to the building industry.

NOW THEREFORE, the CCCCIA and the City of Cape Coral, by the authorized signatures below, agree to the following mutually understood provisions:

1. The above recitals are true.
2. The CCCCIA will select and inform the City Manager's Office of the names of no more than five building industry representatives who will constitute the Cape Coral Building Industry Oversight Committee (BIOC). The BIOC representatives may change from time to time and the City Manager's Office will be informed in writing of such changes as they may occur. The City Manager and his Administrative staff will have no authority or role in the CCCCIA's establishment or appointment of representatives to the BIOC. The Parties agree that the BIOC is a CCCCIA Committee, and shall not be construed as a Committee established by the City of Cape Coral.
3. The BIOC's purpose is: 1) to provide advice to City staff regarding budget revenues from building permit fees and expenditures for costs allowed under Sections 166.222 and 553.80, Florida Statutes, 2) to provide input to City staff on levels of service provided to the building industry for plans review, building permit issuance and corresponding inspections, and 3) to address broad policy issues (such as impacts on level of service).
4. It is understood by the Parties that administrative matters, operations and personnel issues remain within the domain of the City Manager.

5. Depending upon the area of concern, the BIOC may inform City staff, through the Director of Community Development, of any inquiries, advice, recommendations, or suggestions derived from their oversight role pertaining to the use or amount of building permit fees or the level of service provided to the building industry.
6. Although City staff shall not be required to adopt or implement any of the suggestions or recommendations from the BIOC, City staff will, in good faith, evaluate input from the BIOC and respond to the designated BIOC representative in a timely manner, as mutually agreed to between the parties at the time of the suggestions or recommendations.
7. It is further understood that this Memorandum of Understanding is not intended to limit the legal rights or remedies of the Parties.
8. This Memorandum of Understanding becomes effective 30 days following approval by the City Council of the City of Cape Coral.
9. Beginning with the formation of this committee, any surplus or deficit will be accounted for pursuant to Florida Statutes (section 553.80(7), or other applicable section).
10. This Memorandum of Understanding may be terminated by either Party upon 30 days written notice to the other Party. Notice to the CCCIA shall be sent to its Executive Director at 611 SE 11th Street, Suite B, Cape Coral, FL 33990. Notice to the City of Cape Coral shall be sent to the City Manager, 1015 Cultural Park Blvd., Cape Coral, FL 33990.

ATTEST

CITY OF CAPE CORAL

Bonnie Potter
By: Bonnie Potter, City Clerk

Eric Fiechthaler
By: ERIC P. FIECHTHALER, MAYOR

Dated this ____ day of _____, 2007.

Approved as to form:

Brian R. Bartos
Brian R. Bartos, Assistant City Attorney

CAPE CORAL CONSTRUCTION INDUSTRY ASSOCIATION

By: Scott Henry
Its President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25 day of October, 2007 by Scott Hertz, President of the Cape Coral Construction Industry Association, on behalf of the Association, who is personally known to me.


(Signature of Notary Public)

My Commission Expires:

LORENE BROOKS
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD305096
EXPIRES 3/30/2008
BONDED THRU 1-888-NOTARY1

Lorene Brooks
(Name typed, printed or stamped)