

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20021145

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a public hearing and consider the adoption of an Ordinance replacing Lee County Ordinance No. 87-3, as amended, for establishing and adjusting rates, fees and charges for the Lee County Water and Sewer System.

WHY ACTION IS NECESSARY: Since the adoption of Lee County Ordinance No. 87-3, and its amendments, several changes have been made to General Law with respect to notice for the adoption of utility rates, and the several Lee County Utility Systems have been consolidated into the combined, unified System that is in place today.

WHAT ACTION ACCOMPLISHES: Provides the County with a legally and factually accurate and up-to-date Ordinance for the establishing and adjusting of the rates, fees and charges for the consolidated Lee County Water and Sewer System.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

5:00 #6

3. MEETING DATE:

11-12-2002

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**
10 minutes

- STATUTE 125.66, F.S.
180.136, F.S.
- ORDINANCE 87-3, as amended
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER**
- B. DEPARTMENT** County Attorney
- C. DIVISION** General Services
- BY:** David M. Owen, Chief
Assistant County Attorney

7. BACKGROUND:

On February 25, 1987, the Board of County Commissioners adopted Lee County Ordinance No. 87-3 pursuant to certain requirements for municipal water and sewer systems (as defined), which were receiving grant funds and/or low cost loans under the provisions of the 1984 amendments to the 1975 Clean Water Act. The requirements related principally to the Systems'

(BACKGROUND CONTINUED - NEXT PAGE)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL: Adopt the Ordinance replacing Lee County Ordinance No. 87-3, as amended, for establishing and adjusting the rates, fees and charges for the Lee County Water and Sewer System.

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | | | | G County Manager |
|-------------------------------|------------------------------------|-------------------------|------------|-------------------------------|----------------------|----------------|------------------|---------------|-------------------------------|
| <i>[Signature]</i> 10/8/02 | N/A | N/A | N/A | <i>[Signature]</i> 10/7/02 | OA 10/8/02 | OM 10/10/02 | RISK 10/10/02 | GC 10/8/02 | <i>[Signature]</i> 10-8-02 |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

| |
|--|
| RECEIVED BY COUNTY ADMIN. <i>RK</i> |
| <i>10/8 2:17</i> |
| COUNTY ADMIN. FORWARDED TO: |
| <i>10/10 2:00</i> |

adjustment of rates, fees and charges in order to meet loan obligations, and notice to customers for such rate adjustments to be made in an advertised public forum.

On June 28, 1988, the Board of County Commissioners adopted Lee County Ordinance No. 88-28, amending Ordinance No. 87-3 by adding provisions for annual fiscal review of the County system and annual notice to the customers of the rates, charges and fees being applicable at the beginning of each fiscal year.

On June 7, 1989, the Board of County Commissioners adopted Lee County Ordinance No. 89-19 further amending Ordinance No. 87-3 by making certain scrivener's adjustments to Section Four ("Repeal of Conflicting Provisions of Existing Ordinances or Resolutions").

No other adjustments to Ordinance No. 87-3 have been made since 1989.

Since 1989, several substantive legal and factual events have taken place warranting the replacement of Ordinance No. 87-3, as amended, to include:

1. Section 125.66, F.S., was revised in 1995 by Chapter 95-310, Laws of Florida, to its present requirement for ten (10) days notice for the adoption of County Ordinances, and by policy, Utility Rates Resolutions.
2. Chapter 180, F.S., was revised in 2000 by Chapter 2000-350, Laws of Florida, which added Section 180.136, F.S., requiring actual notice for rates changes being provided to all customers of the Lee County Utility System.
3. Between 1992 and 1995, the various and several, separate Lee County Water and Sewer Systems were consolidated into the single, uniform Lee County Water and Sewer System as currently configured.
4. As the result of the consolidation of the several, separate Water and Sewer Systems, the rates, charges and fees for the new single uniform system were also consolidated into one rates, charges and fees schedule for the System, which is now Lee County Resolution No. 02-07-04, as adopted by the Board on July 9, 2002, at public hearing.
5. In 1995, the Federal Grants Program for Water and Sewer Upgrades and Expansions pursuant to the Clean Water Act amendments of 1984, expired.

As the result of the above changes, it is now appropriate to repeal and replace Lee County Ordinance No. 87-3, as amended, with a new County Ordinance reflecting current facts and law relating to the rates, fees and charges for the Lee County Water and Sewer System, and their future adjustments and implementation.

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE RATES, CHARGES AND FEES FOR THE LEE COUNTY WATER AND SEWER SYSTEM AS OWNED AND OPERATED BY LEE COUNTY; PROVIDING FOR THE EFFECT OF THE ORDINANCE; ESTABLISHING PROCEDURES FOR ADOPTING FUTURE RATES, CHARGES AND FEES FOR THE LEE COUNTY WATER AND SEWER SYSTEM; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND RATES RESOLUTIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Lee County is a political subdivision and charter county of the State of Florida; and

WHEREAS, the Board of County Commissioners ("Board"), is the governing body in and for Lee County; and,

WHEREAS, Lee County owns, operates and maintains the Lee County Water and Sewer System ("System") through its Division of Utilities; and,

WHEREAS, there exists a need from time to time to adjust and reclassify the rate structures of the Water and Sewer System, and to establish the basis for each of the service classifications, rates, charges and fees for the Water and Sewer System; and,

WHEREAS, the Board is desirous of providing for the adjusting and restructuring of the rates, charges and fees for the System from time to time so as to adequately provide sufficient revenues for the most effective and efficient means of operation of the System; and,

WHEREAS, the Board is desirous of providing for the adjusting and structuring of

the rates, charges and fees for the System from time to time so as to provide sufficient revenues to cover the required debt service and other obligations necessitated by bond covenants; and,

WHEREAS, the Board is desirous of providing for properly and fairly allocating the costs of the rates and fees of the System to all customers that are receiving the benefits from their connection to and use of the services of the System; and,

WHEREAS, the Board recognizes that the rates, charges and fees of the System need to be adjusted and structured from time to time so as to continue to insure a sound operational and financial basis for the System while fairly distributing the costs of the rates, charges and fees to all customers of the System; and,

WHEREAS, the Board has previously adopted Lee County Ordinance No. 87-3, relating to the rates, charges and fees to be charged by the Lee County Water and Sewer System ("System"); and,

WHEREAS, the Board previously adopted Lee County Ordinance No. 88-28 and Lee County Ordinance No. 89-19, amending Lee County Ordinance No. 87-3; and,

WHEREAS, Lee County Ordinance No. 87-3, as amended, and all prior Rates Resolutions adopted pursuant to Lee County Ordinance No. 87-3, now need to be repealed and superseded to correct inconsistent provisions as the result of changes in facts and law since their adoption; and,

WHEREAS, after being advised in the premises at a duly held public hearing in Lee County, the Board finds that the repeal of Lee County Ordinance No. 87-3, as amended, by this Ordinance, and the ratifying of Lee County Resolution No. 02-07-44 by its incorporation herein, serves a public purpose and is to the public's benefit.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION ONE: **RATES, CHARGES AND FEES FOR THE LEE COUNTY WATER AND SEWER SYSTEM**

The rates, charges and fees for the Lee County Water and Sewer System ("System") as adopted by the Board at public hearing on July 9, 2002 in Lee County Resolution No. 02-07-44, are hereby adopted, confirmed, ratified and established for the System by the incorporation of Lee County Resolution No. 02-07-44 herein, as Exhibit A, hereto.

SECTION TWO: **EFFECT OF THE ORDINANCE ON THE LEE COUNTY WATER AND SEWER SYSTEM**

All customers and users of the Lee County Water and Sewer System ("System") as it is presently configured, are subject to all terms and conditions of this Ordinance. Additions to the System as they may be made by the County from time to time, to include both infrastructure components and/or customers, will be subject to the terms and conditions of this Ordinance as such infrastructure and/or customers are incorporated into the System.

SECTION THREE: **PROCEDURES FOR ADOPTING FUTURE RATES, CHARGES AND FEES ADJUSTMENTS FOR THE WATER AND SEWER SYSTEM**

(a) All future rates, charges and fees for the Lee County Water and Sewer System ("System") will be made by County Resolution adopted by a majority of the Board of County Commissioners in session at a public hearing duly noticed pursuant to, and in

conformance with, general law. Such future rates, charges and fees Resolutions, or any amendments thereto, will not be required to be incorporated into this Ordinance in order to be of effect as of their implementation date as established by the Board of County Commissioners at the scheduled and noticed public hearing.

(b) In the event of an emergency for the adoption of any rates, charges and fees, the Board shall so officially state and define the emergency and may waive the advertising and notice requirements before adopting the emergency rates, charges or fees by Resolution at a regularly scheduled or emergency meeting as called by the Board of County Commissioners. Should any rates, charges or fees be increased pursuant to this emergency procedure, a public hearing shall be held within sixty (60) days of such adoption, which will conform to the then applicable statutory notice requirements for the adoption of a County Ordinance; and the Board at such public hearing, shall reaffirm the emergency rates, charges or fees by subsequent County Resolution.

SECTION FOUR: **ANNUAL REVIEW**

The Division of Lee County Utilities shall conduct an annual review of all Lee County Utilities User Rates, Fees and Charges so as to assure adequate revenue for the operation, maintenance and replacement of the System, and to insure that the appropriate proportional distribution of the operation, maintenance and replacement costs is fairly allocated among all customers and users of the System.

SECTION FIVE: **ANNUAL NOTIFICATION TO CUSTOMERS**

The Division of Lee County Utilities shall notify all customers and users of the Lee County Utilities System of the applicable rates, charges and fees, by mail on an annual

basis, at the beginning of each fiscal year, or upon implementation of any changes to those rates, charges and fees, whichever shall apply. In any event, at least one annual notification by mail, shall be provided to all customers and users of the System, at the beginning of each fiscal year, in addition to the regular monthly billing for that month.

SECTION SIX: **INVALIDATION OF INCONSISTENT AGREEMENTS**

Any outstanding agreements, contracts or other such negotiated instruments between the Board of County Commissioners and any person, partnership, corporation, special district, governmental entity, or the like, for the providing of water or sewer services by the System, are hereby declared invalid to the extent that their terms and conditions are inconsistent with the provisions of this Ordinance or the accompanying Rates, Charges and Fees Resolution; to wit, Lee County Resolution No. 02-07-44, attached hereto as Exhibit A.

SECTION SEVEN: **REPEAL OF CONFLICTING PROVISIONS OF EXISTING ORDINANCES AND RESOLUTIONS**

All other Lee County Utilities Rates Resolutions, sections or parts of Rates Resolutions or sections of the Code of Ordinances of Lee County relating to the Lee County Water and Sewer System rates, charges and fees that are in conflict with the provisions of this Ordinance, are hereby repealed and superseded by the adoption of this Ordinance. Lee County Ordinance No. 87-3, Lee County Ordinance No. 88-28 and Lee County Ordinance No. 89-19 are hereby repealed in their entirety and superseded by the adoption of this Ordinance.

SECTION EIGHT: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and it is the intention to confer upon the whole or any part of the powers herein provided for by this Ordinance. If any of the provisions of this Ordinance shall be held to be unconstitutional or illegal by a court of competent jurisdiction of this state, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional or illegal provisions not been included herein.

SECTION NINE: EFFECTIVE DATE

This Ordinance shall become effective upon notification from the Secretary of State that the Ordinance has been duly filed with that office.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and being put to a vote, the vote was as follows:

BOB JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
ANDREW COY _____
JOHN ALBION _____

DULY PASSED AND ADOPTED this ___ day of _____, 20__.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

LEE COUNTY RESOLUTION NO. 02-07-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY RESOLUTION NO. 99-03-12 RELATING TO THE LEE COUNTY WATER AND SEWER SYSTEM, AMENDING LEE COUNTY RESOLUTION NOS. 99-04-19 AND 98-10-15 RELATING TO CONNECTION FEES AND MISCELLANEOUS SERVICE CHARGES, PURSUANT TO THE PROVISIONS OF LEE COUNTY ORDINANCE NO. 87-3 AS AMENDED, PROVIDING FOR ADJUSTED RATES AND CHARGES, AND FOR EFFECT ON ALL PRIOR RATE SCHEDULES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners, as the governing body in and for Lee County has previously adopted Lee County Ordinance No. 87-3, establishing procedures for adopting rates and charges adjustments for the Lee County Water and Sewer System; and,

WHEREAS, the Board of County Commissioners has previously adopted Lee County Resolution No. 99-03-12, setting and structuring the rates and charges for the Lee County Water and Sewer System; and,

WHEREAS, the Board of County Commissioners has previously adopted Lee County Resolution Nos. 99-04-19 and 98-10-15, setting revised connection fees and miscellaneous service charges for the Lee County Water and Sewer System; and,

WHEREAS, the County is now desirous of further adjusting the rates and charges for the Lee County Water and Sewer System so as to adequately provide sufficient revenues to cover operating expenses, required debt service and other financial obligations necessitated by bond covenants; and,

WHEREAS, the County is desirous of further adjusting Water and Sewer System rates and charges in order to insure a sound operational and financial basis while fairly distributing the costs of the rates and charges to the various user classifications; and,

WHEREAS, it is in the public interest and serves a public purpose that this resolution be adopted thereby amending the monthly service charges, connection fees and miscellaneous services charges for the Lee County Water and Sewer System.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION ONE:

The Monthly Services Charges, Connection Fees and, Miscellaneous Service Charges as contained in this Resolution are implemented and approved pursuant to the provisions contained in Lee County Ordinance No. 87-3, as amended, Sections I and III.

SECTION TWO:

The Monthly Service Charges as previously adopted by the Board of County Commissioners of Lee County in Resolution No. 99-03-12 relating to the Lee County Water and Sewer System, are hereby repealed.

All Monthly Service Charges rate resolutions previously adopted by the Board of County Commissioners of Lee County that relate to the Lee County Water and Sewer System, or that are in conflict, in whole or in part, with the provisions of this Resolution, are hereby repealed to the extent that they conflict with the provisions of this Resolution.

SECTION THREE:

All Connection Fees and Miscellaneous Service Charges schedules as previously adopted by the Board of County Commissioners that relate to the Lee County Water and Sewer System Connection Fees and Miscellaneous Service Charges that are in conflict, in whole or in part, with the provisions of this Resolution, are hereby repealed to the extent that they conflict herein.

SECTION FOUR:

The MONTHLY SERVICE CHARGES for the Lee County Water and Sewer System are as follows:

**A. LEE COUNTY UTILITIES SEWER SYSTEM
CUSTOMER RATES FOR THE EAST LEE COUNTY, SOUTH FORT MYERS,
FORT MYERS BEACH AND MATLACHA SERVICE AREAS**

| <u>Customer Classification</u> | <u>Monthly Service Charge</u> | <u>User Charge</u> Per 1,000 Gallons (or portion thereof) | <u>Unmetered User Charge</u> |
|---------------------------------------|--------------------------------------|--|-------------------------------------|
| Residential Services | | | Per Unit/Lot |
| Single-Family | \$10.10 per unit | \$3.69 | \$16.61 per unit |
| Multi-Family | \$8.10 per unit/lot | | \$13.29 per unit/lot |
| Recreational Vehicle | \$4.10 per unit/lot | | \$6.65 per unit/lot |

Each residential service account shall be charged a monthly administrative fee of \$3.25.

No wastewater user charge shall be imposed on metered water usage above nine thousand (9,000) gallons per month, per residential service dwelling unit.

The total monthly rate for residential service is the sum of the: i) service charge; ii) administrative fee; and iii) user charges, in accordance with the schedule.

| <u>Customer Classification</u> Commercial and All Non-Residential <u>Meter Size</u> | <u>Monthly Service Charge</u> | <u>User Charge</u> Per 1,000 Gallons (or portion thereof) |
|--|-------------------------------|---|
| 5/8" | \$13.35 | \$3.69 |
| 3/4" | 18.45 | |
| 1" | 28.55 | |
| 1-1/2" | 54.25 | |
| 2" | 84.25 | |
| 3" | 165.00 | |
| 4" | 255.50 | |
| 6" | 509.75 | |
| 8" | 813.50 | |
| 10" | 1,470.30 | |

Unmetered commercial and non-residential charges will be calculated individually based on estimates of wastewater discharges and the above schedule of rates.

The total monthly rate is the sum of the service and the user charges.

B. LEE COUNTY UTILITIES WATER SYSTEM CUSTOMER RATES

| <u>Customer Classification</u> | <u>Monthly Service Charge</u> | <u>User Charge</u> Per 1,000 Gallons (or portion thereof) Per ERU |
|--------------------------------|-------------------------------|--|
| Residential Services | | |
| Single-Family | \$6.20 per unit | 1 - 6,000 \$2.26 |
| Multi-Family | \$4.95 per unit/lot | 6,001 - 12,000 2.78 |
| Recreational Vehicle | \$2.50 per unit/lot | 12,001 - 18,000 3.30 |
| | | 18,001 and over 4.33 |

Each residential service account will be charged a monthly administrative fee of \$2.25.

An additional wellfield development surcharge of \$0.50 per ERU will be assessed those residential customers whose monthly water consumption exceeds their initial water conservation block during the monthly billing period.

The following phase-in program applies for those RV Parks and Mobile Home Parks that have been transferred from a Public Service Commission approved General Service classification. During the phase-in period, the Monthly Service Charge for these customers will be calculated as percentages of the then existing Monthly Service Charge for a single-family residential customer as follows:

Water Monthly Service Charge

| Fiscal Year (Oct. 1 to Sept. 30) | RV Park Customers Per Unit/Lot (*) | Mobile Home Parks Per Unit/Lot (*) |
|---|---|---|
| 2001-02 | \$2.00 (32%) | \$4.00 (64%) |
| 2002-03 | \$2.50 (40%) | \$4.95 (80%) |

(*) Monthly Service Charge expressed in dollars may change for subsequent years. The actual dollar amount to be the percentage of the then existing water Monthly Service Charge for single-family residential customers.

For those parks that include both RV and Mobile Home units/lots, the Monthly Service Charge will be calculated as the sum of the number of each type of units/lots (RV or Mobile Home), times the applicable percentage, times the then existing Monthly Service Charge for the single-family residential customers.

The total monthly rate for residential service is the sum of the: i) service charge; ii) administrative fee; iii) wellfield development surcharge (if applicable); and iv) user charges in accordance with this schedule.

| Customer Classification | Monthly Service Charge | ERU Ratio | User Charge |
|---|-----------------------------------|----------------------|--|
| Commercial and All Non-Residential | | | Per 1,000 Gallons (or portion thereof) For Each ERU |
| <u>Meter Size</u> | | | |
| 5/8" | \$8.45 | 1.0 | 1 - 6,000 \$2.26 |
| 3/4" | 11.55 | 1.5 | 6,001 - 12,000 2.78 |
| 1" | 17.75 | 2.5 | 12,001 - 18,000 3.30 |
| 1-1/2" | 33.25 | 5.0 | 18,001 and over 4.33 |
| 2" | 51.85 | 8.0 | |
| 3" | 101.45 | 16.0 | |
| 4" | 157.25 | 25.0 | |
| 6" | 312.25 | 50.0 | <u>Non-Irrigation Class</u> |
| 8" | 498.25 | 80.0 | Per 1,000 \$2.26 |
| 10" | 901.25 | 145.0 | |
| | | | <u>Irrigation Class</u> |
| | | | 1 - 6,000 \$2.78 |
| | | | 6,001 - 12,000 3.30 |
| | | | 12,001 and over 4.33 |

An additional wellfield development surcharge of \$0.50 per ERU will be assessed those commercial and non-residential customers whose monthly water consumption exceeds their initial water conservation block during the monthly billing period.

The total monthly rate is the sum of service and user charges.

C. WATER RESTRICTION SURCHARGE ADJUSTMENT

In the event that the South Florida Water Management District or other authority having appropriate jurisdiction declares a water shortage requiring a mandatory water usage reduction in the amount of 15%, the water user charges listed above will be increased by 18%.

In the event that a reduction of water use greater than 15% is required, the County Commission may establish by resolution, a surcharge based upon the recommendation of the Public Works Director in order to meet revenues required to comply with existing bond debt service covenants, or to meet other requirements of the water system.

SECTION FIVE:

A. Residential Connection (capacity) Fees shall be based on a table for Equivalent Residential Units. The actual Connection Fee shall be calculated by multiplying the number of ERUs designated, times the class of ERU. The Connection Fee will be based upon the actual type of use or user category of each unit on-site, regardless of any other designated uses.

The Commercial and Non-Residential Connection (capacity) Fee shall be used on the flow rates as outlined in Florida Administrative Code Chapter 64E-6.008. The resulting gallons per day flow contribution as outlined in FAC Chapter 64E-6.008 will then be multiplied by the respective rate per gallon as defined in Paragraph D below.

B. No person, corporation, partnership or any other legal entity shall be allowed to connect onto the Lee County Utilities Water and Sewer System without first receiving a written permit from the County and the payment of all applicable Connection Fees.

C. The County reserves the right to review the amount of water and/or sewer usage during the first eighteen (18) months of service and shall bill to the owner or applicant any adjustments

to the water and sewer Connection Fee for capacity use in excess of the amounts paid by the owner or applicant. Any additional Connection Fee payments shall be billed to the owner or applicant at the same rate that was initially charged at the time of service application.

D. The Connection Fee rate schedule set forth below shall be applicable to all customers of the Lee County Water and Sewer System.

- a. In addition to the physical connection to, and the installation of a meter for the determination of consumption for both water and sewer system, the County shall charge a connection fee which represents the capital facility cost of the water and sewer system capacity utilized by the new connection.
- b. The capital cost of the water and sewer capacity is calculated on an Equivalent Residential Unit (ERU) basis, which is defined as the maximum demand of two hundred fifty (250) gallons per day (GPD) which equates to the demand for a single-family dwelling unit.

The Connection (Capacity) Fees are as follows:

| SYSTEM CONNECTION (CAPACITY) FEES | | | |
|--|-----------------|------------------------------------|------------------------------------|
| <u>Classification</u> | <u>No. ERUs</u> | <u>Water Charge</u> | <u>Sewer Charge</u> |
| Residential Service | | | |
| Single-Family | 1.00 | \$1,140 | \$1,735 |
| Multi-Family | | | |
| (per Dwelling Unit) | .80 | 912 | 1,388 |
| Recreational Vehicle | | | |
| (per Dwelling Unit/Lot) | .40 | 456 | 694 |
| Commercial Service and All Non-Residential Services | | <u>Charge Per Gallon</u> \$4.56 | <u>Charge Per Gallon</u> \$6.94 |

Note: Commercial unit use when combined with residential unit use on a single meter, or unmetered commercial use is calculated individually based upon Lee County Utilities' estimates of wastewater discharge and the above schedule of rates.

SECTION SIX:

The following schedule of MISCELLANEOUS SERVICE CHARGES set forth below shall be applicable to all customers of the Lee County Water and Sewer System:

A. WATER METER INSTALLATION FEES

| <u>Meter Size</u> | <u>Charge</u> |
|-------------------|---------------|
| 5/8" | \$125.00 |
| 3/4" | 145.00 |
| 1" | 195.00 |
| 1-1/2" | 410.00 |
| 2" | 560.00 |
| 3" and above | Actual Cost |

In addition to new installations, these rates may also apply to water service upgrades or facility relocations.

Charges for larger meters and wastewater main taps will be based on estimates of actual time and expense. Amounts collected by the County in excess of actual costs shall be credited to the customer's account or be refunded, as may be applicable. Amounts due, caused by underestimation, shall be billed and payable to the Department of Lee County Utilities within ten (10) days upon receipt of such bill.

B. TAP-IN CHARGES

| <u>Meter Size</u> | <u>Charge</u> |
|----------------------------|---------------|
| 5/8" | \$470.00 |
| 3/4" | 490.00 |
| 1" | 560.00 |
| 1-1/2" | 825.00 |
| 2" | 990.00 |
| 3" and above | Actual Cost |
| Wastewater Main Tap Charge | Actual Cost |

In addition to new installations, these rates may also apply to water and sewer service upgrades or facility locations.

Charges for larger meter and wastewater main taps will be based on estimates of actual time and expense. Amounts collected by the County in excess of actual costs shall be credited to the customer's account or be refunded, as may be applicable. Amounts due, caused by underestimation, shall be billed and payable to the Department of Lee County Utilities within ten (10) days upon receipt of such bill.

C. PREMISE VISIT (TRIP CHARGE) - \$25.00

Includes charges for meter re-reads and special reads, customer requested meter tests, and any specific activities where a trip to the customer's premises is requested by the customer or as required by the Department of Lee County Utilities. Further, upon written request from any customer, the Utility shall,

without charge, make a field test for accuracy of the water meter in use at customer's premises, provided the meter has not been tested within the past twelve months.

D. TURN-ON/TURN-OFF CHARGE

| | <u>During Normal Working Hours</u> | <u>After Normal Working Hours</u> |
|--|--|---------------------------------------|
| Initiation of Service Customer Request | \$35.00 | \$45.00 |
| Re-connection of Service (Non-Payment Disconnection) | 40.00 | 55.00 |

E. PLAN REVIEW FEES – 1.0% of Construction Cost or \$540 minimum charge, whichever is greater.

F. FIRE SERVICE CHARGES

| <u>Meter Size(*)</u> | <u>Monthly Amount</u> |
|----------------------|-----------------------|
| 5/8" | \$1.90 |
| 3/4" | 2.85 |
| 1" | 4.75 |
| 1-1/2" | 9.55 |
| 2" | 15.25 |
| 3" | 30.50 |
| 4" | 47.65 |
| 6" | 95.30 |
| 8" | 152.50 |
| 10" | 219.20 |

(*) Based on largest diameter meter installed for fire protection.

G. CUSTOMER DEPOSIT

| | <u>Water System</u> | <u>Sewer System</u> |
|---|---------------------|---------------------|
| Residential Service Metered and Unmetered | | |
| Single-Family | \$45.00 | \$70.00 |
| Multi-Family (*) (per Dwelling Unit/Lot) | 36.00 | 56.00 |
| Recreational Vehicle (*) (per Dwelling Unit/Lot) | 25.00 | 40.00 |

| Commercial Service and All Non-Residential Services | <u>Water System</u> | <u>Sewer System</u> |
|--|---------------------|---------------------|
| | <u>Water System</u> | <u>Sewer System</u> |
| <u>Meter Size</u> | | |
| 5/8" | \$45.00 | \$70.00 |
| 3/4" | 67.00 | 105.00 |
| 1" | 115.00 | 175.00 |
| 1-1/2" | 225.00 | 350.00 |
| 2" | 360.00 | 560.00 |
| 3" | 720.00 | 1,120.00 |
| 4" | 1,125.00 | 1,750.00 |
| 6" | 2,250.00 | 3,500.00 |
| 8" | 3,600.00 | 5,600.00 |
| 10" | 6,525.00 | 10,150.00 |

Unmetered commercial and non-residential deposits will be calculated individually based on estimates of wastewater discharges and the above schedule of rates.

(*) The Multi-Family charge is calculated individually based on twice the average or anticipated monthly bill of the customer as estimated by the County.

The above deposit amounts are minimums. Additional deposit amounts may be required in order to secure payment of current bills.

H. RECLAIMED WATER RATE

All users of the County's reclaimed water system having entered into an agreement for the delivery and use of reclaimed effluent water for such service shall pay the rate of \$0.25 per 1,000 gallons, metered consumption. The rate shall be applicable to all users of County's reclaimed water system on a year-round basis.

I. WHOLESALE WATER AND SEWER RATES

Customers receiving wholesale water and/or sewer services will be billed monthly in accordance with the following schedule:

| | <u>Rate per 1,000 Gallons</u> |
|---------------|-------------------------------|
| Water Service | \$2.46 |
| Sewer Service | 3.36 |

The rates established in this subsection are applicable to each County wholesale customer that: i) resells such services to its customers in accordance with Florida law and County ordinances; and ii) maintains all distribution/collection systems, valves, hydrants, service connections, manholes and meters in the public rights-of-

way or valid easements within its recognized service area. The terms for providing either wholesale water or wholesale sewer service, or both, to a qualifying applicant will be established by an agreement between the applicant and the County.

J. TEMPORARY HYDRANT METER/BACKFLOW PREVENTOR DEPOSIT

| <u>Meter Size</u> | <u>Deposit Amount</u> |
|-------------------|-----------------------|
| 5/8" x 3/4" | \$190.00 |
| 1" | 245.00 |
| 1-1/2" | 460.00 |
| 2" | 560.00 |

Applicant shall pay the deposit for utilization of the temporary hydrant meter with accompanying backflow preventive device prior to service being initiated. Deposit will be applied to customer's bill upon return of the hydrant meter and backflow preventor to the County in proper operating condition.

K. LEAK INSPECTION CHARGE

A fee of \$45.00 will be charged to those customers who have been notified by the County upon subsequent inspection of the failure by the customer to repair inadequate on-site plumbing infrastructure. Fee will be charged to the customer for each additional inspection until such repairs have been made and approved by the County.

L. UNAUTHORIZED WATER TAP SURCHARGE

Individuals establishing water service by performing an unauthorized tap-in and/or a straight pipe connection to the County's water system shall pay a fine of \$500.00 for each unauthorized connection, and per occurrence.

M. WASTEWATER SERVICE LINE CLEANOUT TAMPERING CHARGE

In cases where individuals establish an unauthorized access to the clean-out portions of the County wastewater service lines, a fee will be charged to recover those actual costs incurred by the County to restore the line to its original state. Also, a fee of \$75.00 will be charged to the individual per occurrence. In addition, any individual that connects to the sewer system without authorization shall pay a fine of \$375.00 for each unauthorized connection, and per occurrence.

N. LATE PAYMENT FEE

In all cases where a utility bill has been tendered and payment has not been received by the County within 30 days from the tender of such bill, the Department of Lee County Utilities will consider such payment past due. A fee of \$5.00 or 1.0% of the

outstanding past due amount, whichever is greater, will be charged to the customer's account.

SECTION SEVEN:

This Resolution shall become effective upon its adoption by the Board of County Commissioners. The changes in rates as adopted by this Resolution shall be implemented in the first Department of Lee County Utilities billing period following October 1, 2002.

The rates and charges as adopted by this Resolution shall apply to the unincorporated areas of the Lee County Utilities System and to any municipal areas currently being served by the Lee County Utilities System. The foregoing Resolution was offered by Commissioner Judah, who moved its adoption. The motion was seconded by Commissioner Coy and, is being put to vote, the vote was as follows:

| | |
|----------------------|---------------|
| Bob Janes | <u>Aye</u> |
| Douglas R. St. Cerny | <u>Absent</u> |
| Ray Judah | <u>Aye</u> |
| Andrew W. Coy | <u>Aye</u> |
| John E. Albion | <u>Aye</u> |

DULY PASSED AND ADOPTED this 9th day of July 2002.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michelle B. Cooper
Deputy Clerk

By: [Signature]
Chairman

APPROVED AS TO FORM:

By: [Signature]
Office of County Attorney

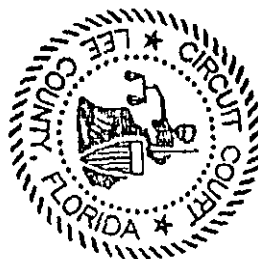


State of Florida
County of Lee

I, Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 22nd day of July, A.D. 2002

CHARLIE GREEN, CLERK
By: Michelle B. Cooper
Deputy Clerk



LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 12th day of November, 2002, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE PROVIDING FOR THE RATES, CHARGES AND FEES FOR THE LEE COUNTY WATER AND SEWER SYSTEM AS OWNED AND OPERATED BY LEE COUNTY; PROVIDING FOR THE EFFECT OF THE ORDINANCE; ESTABLISHING PROCEDURES FOR ADOPTING FUTURE RATES, CHARGES AND FEES FOR THE LEE COUNTY WATER AND SEWER SYSTEM; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND RATES RESOLUTIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.
2. Interested parties may appear at the meeting in person or through counsel,

and be heard with respect to the adoption of the proposed Ordinance.

3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2001), and other relevant sections of Florida law.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By:  _____
Office of the County Attorney

Ad Size: 2 x 5

Publishing Dates: 10/22/02 & 11/5/02