

CARRYOVER #1

Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20050894

- 1. ACTION REQUESTED/PURPOSE:** Approve Interlocal Agreement with the Tax Collector for the collection of the Small Quantity Generator (SQG) Surcharges on the Occupational Licenses and approve 4 additional positions (3 Environmental Specialists, Sr. and 1 Planning Technician) for the Small Quantity Program. Approve budget amendment resolution in the amount of \$400,000 in additional FY04/05 revenues and expenditures. *R.M.*
- 2. WHAT ACTION ACCOMPLISHES:** Updates the Interlocal Agreement with the Tax Collector for the collection of the Small Quantity Generator surcharge by the Tax Collector.
- 3. MANAGEMENT RECOMMENDATION:** Approve option 4 from the attached Option Sheet "Exhibit A".

4. Departmental Category:

5. Meeting Date: **08-09-2005**

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner: _____
Department: Public Works
Division: Natural Resources

By:

Roland Ottolini *[Signature]*

403.7225(12) F.S.

9. Background:

The Lee County Board of County Commissioners (BOCC) approved the funding of the Small Quantity Generator (SQG) Program using an Occupational License Surcharge on May 3, 1995, as allowed under Florida Statute 4033.7225(12). The surcharge has not increased since its adoption although there have been a number of rule changes and modifications related to the definition of hazardous waste and the management thereof. In order to continue to meet the SQG program mandate, the program is being revised to better assess, verify and notify all potential generators of hazardous waste conducting business in Lee County.

Most businesses activity has the potential to generate hazardous waste according to the recent revisions to the rule(s) defining hazardous waste. As such, the SQG program's educational materials benefit all businesses in Lee County. These educational materials along with program information are distributed directly to the business community through program efforts, and indirectly using the internet, public events, and trade shows.

(Continued on Page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Analyst	Risk	Grants	Mgr.	County Manager/P.W. Director
<i>[Signature]</i> 6-15-05	<i>[Signature]</i> 6-15-05	<i>[Signature]</i> 6-15-05		<i>[Signature]</i> 6/15/05	<i>[Signature]</i> 6/15/05	<i>[Signature]</i> 6/15/05	<i>[Signature]</i> 6/15/05	<i>[Signature]</i> 6/16/05	<i>[Signature]</i> 6-15-05

11. Commission Action:

- Approved
- Deferred TO THE 08-02-05 BOCC MEETING. ON 08-02-05-DEFERRED TO 08-09-05**
- Denied
- Other

RECEIVED BY
COUNTY ADMIN: *[Signature]*

6-15-05

11-10

COUNTY ADMIN
FORWARDED TO: *[Signature]*

6/16/05

9pm

Rec. by CoAtty

Date: 6/15/05

Time: 9:30

Forwarded To:

7. BACKGROUND: (Continued)

The increase in the number of businesses covered by the definition of potential generators of hazardous waste benefiting from program activities requires additional staff to meet the 20% annual assessment required by the state mandate. Exhibit "A" (Options for Enhanced Pollution Prevention Program) provides several options for staffing and funding. The recommended option would classify all of businesses as potential generators of hazardous waste and automatically provide them beneficial materials related to proper management of hazardous waste or alternate materials/methods to use reducing or eliminating the generation of hazardous materials from the waste stream.

The selected alternative will result in four additional positions, one limited enforcement position to prepare documentation for enforcement actions, two additional Senior Environmental Specialists to perform on-site assessments and one additional counter person to assist in telephone interviews, database management, web page management, etc. The surcharge is proposed to be \$20 per year for all businesses, modifying the occupational license fee to include \$20 per license to directly fund SQG Program activities.

Staff estimates minimum revenues of Option #4, Attachment A, providing the SQG program an additional \$400,000. The proposed position and operating enhancement has been made accordingly:

Salaries	5012	\$ 150,000	3 ea Env Spec Sr and 1 Planning Tech
Fringe	502X	\$ 57,000	
Contracted Services	503490	\$ 26,900	
Telecommunications	504110	\$ 2,800	<i>P.M.</i>
Freight and Postage	504111	\$ 6,500	<i>P.M.</i>
Cost of County Travel	504022	\$ 3,000	<i>P.M.</i>
Printing, Binding,			
Copying	504710	\$ 500	
Prepaid forms	505110	\$ 50	
General Office Supplies	505120	\$ 2,250	
Clothing and apparel	505230	\$ 1,000	
Data Processing	503460	\$ 40,000	<i>P.M.</i>
PCs and printer	506410	\$ 20,000	
Vehicles	506430	\$ 90,000	

ATTACHMENTS:

- Exhibit "A" - Options for Enhanced Pollution Prevention Program
- Interlocal Agreement

From: Scott Coover
To: Ottolini, Roland
Date: 7/14/05 10:31AM
Subject: ILA with TC for Collection of SQG

Roland,

The TC is requesting the item be moved from August 2nd to the following Tuesday, August 9th. The TC wants to discuss some of the terms in the ILA with Jim Lavender prior to the public meeting.

Since this is your bluesheet, you need to get with Public Resources to re-schedule this agenda item. Blue Sheet No. 20050894.

Scott S. Coover
Assistant County Attorney
scoover@leegov.com
Phone: (239) 335-2236
Fax: (239) 335-2606

CC: Lavender, James; Pellicer, Tony

*C8A
by
on recap
07-19-05*

Patricia Geren - Fwd: ILA with TC for Collection of SQG

From: Roland Ottolini
To: Geren, Patricia
Date: 7/15/05 2:15 PM
Subject: Fwd: ILA with TC for Collection of SQG
CC: Clemons, Elin

pls reschedule as indicated. thank you

AGENDA UPDATE

FROM



DIVISION OF PUBLIC RESOURCES

MEETING OF AUGUST 2, 2005

RE: CONSENT 8(A)-INTERLOCAL AGREEMENT-COLLECTION OF SURCHARGE FEES ON OCCUPATIONAL LICENSE OF POTENTIAL HAZARDOUS WASTE GENERATORS

Attached please find a copy of the Interlocal Agreement for the above referenced agenda item that is to replace the one that is in your agenda book.

Thank you.

SEND TO:

**BOARD: ALBION HALL JUDAH JANES ST. CERNY
COMMISSION RECEPTION DESK
DONALD STILWELL, COUNTY MANAGER
WILLIAM HAMMOND, DEPUTY COUNTY MANAGER
HOLLY SCHWARTZ, ASSISTANT COUNTY MANAGER
PETE WINTON, ASSISTANT COUNTY MANAGER**

**ANTONIO MAJUL, BUDGET SERVICES
DAVID M. OWEN, COUNTY ATTORNEY
JAMES LAVENDER, PUBLIC WORKS
PUBLIC RESOURCES OFFICE
LISA PIERCE, MINUTES**

DATE AND TIME DISTRIBUTED: 07-29-05 2:00 PM

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: July 29, 2005

To: Kathy Geren
Public Resources

FROM: Scott S. Coover
(Signed Electronically to Expedite)
Scott S. Coover
Assistant County Attorney

RE: Blue Sheet #20050894, Board Meeting of August 2, 2005,
Consent Agenda Item 8a

We are requesting that the attached *Interlocal Agreement Between Lee County Tax Collector and Lee County Regarding Collection of Surcharge Fees on Occupational License of Potential Hazardous Waste Generators* replace the previous Agreement which was sent with the Blue Sheet.

Thank you for your assistance.

SSC/awe

Attachment

xc: David M. Owen, County Attorney
Andrea R. Fraser, Acting Chief Assistant County Attorney
Roland Ottolini, Director, Natural Resources

**INTERLOCAL AGREEMENT BETWEEN
LEE COUNTY TAX COLLECTOR AND LEE COUNTY
REGARDING COLLECTION OF SURCHARGE FEES
ON OCCUPATIONAL LICENSE OF
POTENTIAL HAZARDOUS WASTE GENERATORS**

This Agreement is entered into this ____ day of _____, 2005, between the office of the LEE COUNTY TAX COLLECTOR, hereinafter referred to as "Tax Collector", whose address is Lee County Tax Collector's Office, 2480 Thompson Street, Fort Myers, Florida 33901; and LEE COUNTY, a political subdivision and Charter County of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as the "County"; collectively, "the Parties" hereto, for the collection of the potential hazardous waste generator notification and verification surcharge (hereinafter "surcharge") authorized by Florida Statutes 403.7225.

1. This Agreement is made pursuant to Florida Statutes 403.7225(12) (2004).
2. Lee County has duly and lawfully adopted Resolution No. 94-07-14, authorizing the imposition of an annual potential hazardous waste generator notification, assessment and verification program surcharge of \$20.00 to be paid by each firm or occupation.
3. The County has determined all firms or occupations are classified as potential generators of hazardous wastes obligated to pay the surcharge. The surcharge is an additional fee to be paid by the business or profession when obtaining an occupational license or renewal thereof. To minimize the cost to taxpayers, this surcharge is added to the occupational license; therefore, the occupational license ordinance and procedures outline the method for collection and distribution of the surcharge.

4. Information with regard to surcharge payors shall be furnished to the County by the Tax Collector in the same manner and frequency as occupational license information is furnished. The information required is account number, business name, owner name, qualifier name, business description, locations description, physical address, mailing address, and business phone.

5. The Tax Collector shall receive prior to distribution of collected surcharge fees to the County a fee for collecting the surcharge. The fee for collection of the surcharge will be included in the occupational license budget authorized by the Amendment to Interlocal Agreement Between Lee County and the Lee County Tax Collector Regarding the Lee County Occupational License Tax Program, dated September 29, 1998, as may be revised or amended from time to time. Distribution of net surcharge fees collected shall take place with the same frequency as distribution of occupational license fees.

6. The effective date of this Interlocal Agreement shall commence on January 1, 2006, and shall remain in effect until terminated by mutual agreement. During this Agreement, either Party may elect and upon ninety (90) days written notice by either Party, may terminate this Agreement.

7. This Agreement is made pursuant to Florida Law and Florida Statutes 403.7225(12). If any part of this Agreement is held invalid, such invalidity shall not affect the other parts of this Agreement, the parts of this Agreement being severable.

IN WITNESS WHEREOF, the Parties execute this Agreement in their official capacities only and not individually, on the day and year first above written.

LEE COUNTY TAX COLLECTOR

By: Catherine M. Curtis
Honorable Cathy Curtis
Lee County Tax Collector

APPROVED AS TO FORM:

By: [Signature]
Tax Collector Legal Counsel

ATTEST:
CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

By: _____
Douglas St. Cerny
Chair

APPROVED AS TO FORM:

By: _____
Office of County Attorney

ATTACHMENT A

Options for Enhanced Pollution Prevention Program

	Option 1	Option 2	Option 3	Option 4
Options	18000	18000	37000	37000
Surcharged Licenses				
Salaries	\$ 355,488	\$ 355,488	\$ 267,998	\$ 345,998
Total Personnel	\$ 486,944	\$ 486,944	\$ 367,157	\$ 474,017
Operating	\$ 216,625	\$ 216,625	\$ 163,479	\$ 211,059
Total	\$ 703,569	\$ 703,569	\$ 530,635	\$ 685,075
Vehicles	\$ 100,000	\$ -	\$ 100,000	\$ 0
Expenses	\$ 803,569	\$ 703,569	\$ 630,635	\$ 685,075
Revenue	\$ 803,569	\$ 703,569	\$ 666,000	\$ 740,000
	\$ 32	\$ 28	\$ 18	\$ 20

Option	Detail
Option 1	Includes assessing 7000 new licenses projected annually, meets 20% annual assessment mandate w/ limited enforcement w/ 3 added Env Sr and One Admin. Does not meet the 100% assessment in 5 years criteria.
Option 2	This option moves the vehicle expenses to program reserves w/ same plus and minus as Option 1. Added staff the same as Option 1.
Option 3	This option charges all license holders a *fee (may be combined with the license fee). It may not be listed as a separate surcharge, but is incorporated into the license. Businesses would be screened and evaluated according to risk and potential. More general outreach efforts combined with Solid Waste's programs. Increase current staffing by 1 to facilitate screening and specific outreach efforts.
Option 4	This option charges all license holders a *fee (may be combined with the license fee). It may not be listed as a separate surcharge, but incorporated into the license. Businesses would be screened and evaluated according to risk and potential. Added emphasis is placed on enforcement with 1 with assistance from the Sheriff's Office. There will be less dependence on the enforcement specialist combined efforts of Solid Waste for outreach. This option adds 4 new staff, initial startup short-fall from program reserves.

RESOLUTION

Amending the Fund 13803 Pollution Prevention (SQG) Fund Budget to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2004-2005.

WHEREAS, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend Fund 13803 Pollution Prevention (SQG) Fund budget for \$400,000 of the unanticipated revenue from an surcharge increase and an appropriation of a like amount into expenditures and;

WHEREAS, the Fund 13803 Pollution Prevention (SQG) Fund budget shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES		
Prior Total:		\$737,625
Additions		
OC5390313803.343910.9000	Small Quantity Generators Surcharge	\$400,000
Amended Total Estimated Revenues		\$1,137,625

APPROPRIATIONS		
Prior Total:		\$737,625
Additions		
OC5390313803.501210	Salaries – Full time Reg.	\$207,000
OC5390313803.503490	Other Contracted Service	26,900
OC5390313803.503460	Data Processing	40,000
OC5390313803.504110	Telecommunications	2,800
OC5390313803.504111	Freight & Postage	6,500
OC5390313803.504022	Out-of-County Travel	3,000
OC5390313803.504710	Printing, Binding Copying	50
OC5390313803.505110	Preprinted Forms	500
OC5390313803.505120	General Office Supplies	2,250
OC5390313803.505230	Clothing & Wearing Apparel	1,000
OC5390313803.506410	Furniture & Equipment	20,000
OC5390313803.506430	Vehicles & Rolling Stock	90,000
Amended Total Appropriations		\$1,137,625

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Fund 13803 Pollution Prevention Program (SQG) Fund budget is hereby amended to show the above additions to its Estimated Revenue and appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2005.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

CHAIRMAN

APPROVED AS TO FORM

DOC TYPE YA
LEDGER TYPE BA

OFFICE OF COUNTY ATTORNEY

Patricia Geren - RE: Consent agenda item 8-E June 28th agenda

From: Larry Hart <larryh@leetc.com>
To: 'James Lavender' <LAVENDJH@leegov.com>, David Owen <OWEND@leegov.com>, Tony Pellicer <PELLICLA@leegov.com>, Scott Coovert <SCOOVERT@leegov.com>
Date: 6/23/05 5:07 PM
Subject: RE: Consent agenda item 8-E June 28th agenda
CC: Shirley Carney <CARNEYSA@leegov.com>, Patricia Geren <GERENPK@leegov.com>

We will be set for the August 2 Meeting.

-----Original Message-----

From: James Lavender [mailto:LAVENDJH@leegov.com]
Sent: Thursday, June 23, 2005 11:14 AM
To: David Owen; Tony Pellicer; Scott Coovert; Larry Hart
Cc: Shirley Carney; Patricia Geren
Subject: Consent agenda item 8-E June 28th agenda

*on recap
06-24-05
[Signature]*

All,

The Tax Collector has requested that this item be defered indefinitely. They would like to pursue a similar arrangement with the municipalities and need some extra time. Again, this is at their request. Thank you for your help. Jim

From: James Lavender
To: Covert, Scott; Hart, Larry; Owen, David; Pellicer, Tony
Date: 6/23/05 11:14AM
Subject: Consent agenda item 8-E June 28th agenda

All,

The Tax Collector has requested that this item be deferred indefinitely. They would like to pursue a similar arrangement with the municipalities and need some extra time. Again, this is at their request. Thank you for your help. Jim

CC: Carney, Shirley; Geren, Patricia

*on recap
06-23-05
[Signature]*