

LEE COUNTY RESOLUTION NO. 07-08-70

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, REPEALING LEE COUNTY RESOLUTION NO. 02-07-44 RELATING TO THE LEE COUNTY WATER AND SEWER SYSTEM, REPEALING LEE COUNTY RESOLUTION NO. 03-10-18 RELATING TO CONNECTION FEES, PURSUANT TO THE PROVISIONS OF LEE COUNTY ORDINANCE NO. 02-32, 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. 02-32, establishing procedures for adopting rates, charges, and fees adjustments for the Lee County Water and Sewer System; and,

WHEREAS, the Board of County Commissioners has previously adopted Lee County Resolution No. 02-07-44, 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 No. 03-10-18, setting revised connection fees 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 connection fees 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,

5:00 PH2  
8-14-07

WHEREAS, it is in the public interest and serves a public purpose that this resolution be adopted thereby amending the monthly service charges and connection fees 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 and Connection Fees as contained in this Resolution are implemented and approved pursuant to the provisions contained in Lee County Ordinance No. 02-32, Section III.

**SECTION TWO:**

The rates, charges, and fees as previously adopted by the Board of County Commissioners of Lee County in Resolutions No. 02-07-44 and No. 03-10-18 relating to the Lee County Water and Sewer System, are hereby repealed.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**

<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> Per Unit/Lot
Residential Services			
Single-Family	\$12.57 per unit	\$4.59	\$20.68 per unit
Multi-Family	\$10.08 per unit/lot		\$16.55 per unit/lot
Recreational Vehicle	\$5.10 per unit/lot		\$8.28 per unit/lot
Mobile Home	\$10.08 per unit/lot		\$16.55 per unit/lot

Each residential service account shall be charged a monthly administrative fee of \$4.05.

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>Monthly Service Charge</u>	<u>User Charge</u> Per 1,000 Gallons (or portion thereof)
<u>Meter Size</u>		
5/8"	\$16.62	\$4.59
3/4"	22.97	
1"	35.54	
1-1/2"	67.54	
2"	104.89	
3"	205.43	
4"	318.10	
6"	634.64	
8"	1,012.81	
10"	1,830.52	

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
<b>Residential Services</b>		
Single-Family	\$7.78 per unit	1 - 6,000 \$2.84
Multi-Family	\$6.21 per unit/lot	6,001 - 12,000 3.49
Recreational Vehicle	\$3.14 per unit/lot	12,001 - 18,000 4.14
Mobile Home	\$6.21 per unit/lot	18,001 and over 5.43

Each residential service account will be charged a monthly administrative fee of \$2.82.

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 (6,000 gallons per ERU).

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.

<u>Customer Classification</u>	<u>Monthly Service Charge</u>	<u>ERU Ratio</u>	<u>User Charge</u>
<b>Commercial and All Non-Residential</b>			<b>Per 1,000 Gallons (or portion thereof) For Each ERU</b>
<u>Meter Size</u>			
5/8"	\$10.60	1.0	1 - 6,000 \$2.84
3/4"	14.50	1.5	6,001 - 12,000 3.49
1"	22.28	2.5	12,001 - 18,000 4.14
1-1/2"	41.73	5.0	18,001 and over 5.43
2"	65.07	8.0	
3"	127.32	16.0	
4"	197.35	25.0	
6"	391.87	50.0	<b>Non-Irrigation Class</b>
8"	625.30	80.0	Per 1,000 \$2.84
10"	1,131.07	145.0	
			<b>Irrigation Class</b>
			1 - 6,000 \$3.49
			6,001 - 12,000 4.14
			12,001 and over 5.43

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 (6,000 gallons per ERU).

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 formal approval 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 course of a customer's service, and shall bill to the owner or customer for any adjustment(s) to the water and sewer Connection Fee for capacity use in excess of the amount originally paid by the owner or customer. Any additional Connection Fee payments shall be billed to the owner or customer 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.

c. In no instance shall an ERU determination of less than one (1.0) be assigned to any individual applicant (connection) for water and/or wastewater service (exclusive of individual multi-family or recreational vehicle dwelling units).

The Connection (Capacity) Fees are as follows:

<u>SYSTEM CONNECTION (CAPACITY) FEES</u>			
<u>Classification</u>	<u>No. ERUs</u>	<u>Water Charge</u>	<u>Sewer Charge</u>
Residential Service			
Single-Family	1.00	\$2,440	\$2,660
Multi-Family			
(per Dwelling Unit)	.80	1,952	2,128
Recreational Vehicle			
(per Dwelling Unit/Lot)	.40	976	1,064
Commercial Service and All Non-Residential Services			
		<u>Charge Per Gallon</u>	
		\$9.76	\$10.64

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"	\$250.00
3/4"	275.00
1"	330.00
1-1/2"	540.00
2"	625.00
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 Division of Lee County Utilities.

**B. TAP-IN CHARGES**

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$660.00
3/4"	690.00
1"	745.00
1-1/2"	920.00
2"	1,005.00
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 Division of Lee County Utilities.

**C. PREMISE VISIT (TRIP CHARGE) – \$35.00**

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 Division 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	\$45.00	\$55.00
Re-connection of Service		
(Non-Payment Disconnection)	60.00	75.00

**E. PLAN REVIEW FEES** – 1.0% of the contributed asset value including labor costs incurred by the County or \$620 minimum charge, whichever is greater for initial two (2) reviews. Subsequent reviews based on actual costs incurred by the County.

**F. FIRE SERVICE CHARGES**

<u>Meter Size (*)</u>	<u>Monthly Amount</u>
5/8"	\$4.70
3/4"	4.70
1"	4.70
1-1/2"	4.70
2"	4.70
3"	9.40
4"	14.10
6"	28.20
8"	46.00
10"	46.00
Above 10"	56.40

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

**G. METER TESTING FEE**

Charge  
\$65.00

**H. CUSTOMER DEPOSIT**

	<u>Water System</u>	<u>Sewer System</u>
Residential Service		
Metered and Unmetered		
Single-Family	\$55.00	\$90.00
Multi-Family (*)		
(per Dwelling Unit/Lot)	44.00	72.00
Recreational Vehicle (*)		
(per Dwelling Unit/Lot)	30.00	50.00
Multi-Family/Mobile Home (*)		
(Per Dwelling Unit/Lot)	44.00	72.00
Commercial Service and All Non-Residential Services		
<u>Meter Size</u>		
5/8"	\$55.00	\$90.00
3/4"	82.50	135.00
1"	137.50	225.00
1-1/2"	275.00	450.00
2"	440.00	720.00
3"	880.00	1,440.00
4"	1,375.00	2,250.00
6"	2,750.00	4,500.00
8"	4,400.00	7,200.00
10"	7,975.00	13,050.00

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.

**I. 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 shall pay a charge mutually negotiated pursuant to a reuse agreement between the County and the customer requesting service, which will not exceed \$0.43 per thousand gallons delivered, for any customer.

**J. 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	\$3.20
Sewer Service	3.94

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.

**K. TEMPORARY HYDRANT METER/BACKFLOW PREVENTOR DEPOSIT**

<u>Meter Size</u>	<u>Deposit Amount</u>
5/8" x 3/4"	\$285.00
1"	360.00
1-1/2"	620.00
2"	700.00

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.

**L. LEAK INSPECTION CHARGE**

A fee of \$55.00 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.

**M. 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 the initial unauthorized connection, and increasing by \$500.00 for subsequent occurrence at the same location.

**N. 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 \$95.00 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.

**O. 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 Division 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, charges, and fees as adopted by this Resolution shall be implemented in the first Division of Lee County Utilities billing period following October 1, 2007.

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 Hall and, is being put to vote, the vote was as follows:

Bob Janes	<u>Aye</u>
Brian Bigelow	<u>Aye</u>
Ray Judah	<u>Aye</u>
Tammy Hall	<u>Aye</u>
Frank Mann	<u>Aye</u>

DULY PASSED AND ADOPTED this 14th day of August 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Chris Lu

DEPUTY CLERK

By: [Signature]

Chair

APPROVED AS TO FORM:

By: [Signature]

Office of County Attorney

