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LEE COUNTY RESOLUTION NO. 99-04-02

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY RESOLUTION NO. 96-06-36 AS AMENDED, SECTIONS 1.2A, 1.8B, 2.4A, 2.4B AND 2.10F OF THE LEE COUNTY UTILITIES OPERATION MANUAL FOR WATER, SANITARY SEWER, AND EFFLUENT REUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision and Charter County of the State of Florida; and,

WHEREAS, on June 19, 1996, the Board of Commissioners adopted Lee County Resolution No. 96-06-36 relating to the adoption of an updated Lee County Utilities Operations Manual; and,

WHEREAS, the Operation Manual was previously amended by Resolutions 96-11-15, and

WHEREAS, the board of County Commissioners finds that amending Section 1.2A and 2.4B for Obtaining Water and Sewer Service, and Sections 1.8B, 2.4A and 2.10F for Application and Agreements for Service of the Lee County Utilities Operations Manual to further clarify that all connection fees shall be paid prior to commitments being made for service; and,

WHEREAS, the Board of County Commissioners now wishes to amend and modify the terms and conditions of the Lee County Utilities Operations Manual.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. The Division of Lee County Utilities Operations Manual as previously adopted by the Board of County Commissioners of Lee County in Resolution No. 96-06-36 and Amended by Resolution No. 96-11-15 is hereby amended as follows:

(Deletions are indicated by ~~strikethroughs~~, additions are indicated by underlining.)

A10a
4-6-99

SECTION 1.2A:

1.2 REQUESTS FOR SERVICE

A. Domestic Water Service Within The Service Limits of County

1. To obtain domestic water service from a direct tap into an existing distribution main, application should be made at the Lee County Utilities Office. The applicant should make sure that the name of the customer, the street address and legal description of the ~~property~~ property to which service is to be rendered are correctly entered upon the contract or agreement for service. When feasible, the applicant should determine whether the property to be served is adjacent to the County's distribution system before making application for service.

A customer first requesting water service for such a property is required to pay a tap-in fee or drop-in fee to defray installation costs and a connection fee based on meter size or type of service. Other fees may also be required. Water Commitment Letters required for building permit purposes will only be issued after all applicable fees are paid. Additional services to the same property may also be obtained upon payment of required fees.

2. To obtain domestic water service for projects not served directly from an existing distribution main and involving construction of developer contributed utility infrastructure, application should be made at the Lee County Utilities (LCU) office. The applicant should make sure that the name of the customer, the street address and legal description of the property to which service is to be rendered are correctly entered upon the contract or agreement for service.

A customer requesting water service for such a property is required to pay a tap-in fee or drop-in fee to defray installation costs and a connection fee based on meter size(s) or type(s) of service. Other fees may also be required.

Such projects are required to pay 50% of the applicable connection fees at the time the County is asked to commit capacity to provide service for the project by signing the FDEP and Health Department permit applications. The remaining 50% is to be paid at the time the constructed assets are contributed to LCU for operations and maintenance. LCU's commitment to provide service is limited to two years unless payment of the remaining 50% for the connection fees is made within this same two year period. Letters of Credit, or other forms of sureties will not be acceptable as payment of connection fees.

A refund of up to 90% of the amount paid for connection fees may be made if the customer determines the project is not going to be constructed and commitment for capacity to serve the project is no longer needed. Application for such refund must be made prior to expiration of LCU's commitment to provide service. LCU's ability to resell the previously committed capacity will be considered with other factors in determining if such a refund will be made.

A customer shall have the right to make a full assignment of reserved system capacity or partial assignment of reserved system capacity as obtained by payment of connection fees. Such assignment shall not be made without the written consent of LCU first having been obtained, and such consent shall not be unreasonably withheld. Such assignment shall not be approved by LCU if the proposed assignment shifts the reserved capacity from one treatment plant to another that does not have sufficient capacity to provide the additional service. When only the initial 50% of the applicable connection fees have been paid, assignment of reserved capacity to another party shall in no way extend the initial two-year reservation of capacity.

Customers developing larger projects in phases are encouraged to provide their longer range plans to LCU so that these plans may be considered as LCU plans to provide for future water system needs. However, when it comes to commitment of capacity, customers developing larger projects are encouraged to phase these projects requesting only system capacities that are likely to be needed within the near future. This practice will help reduce the out-of-pocket connection fee expense and help avoid reaching commitment of total plant capacities earlier than necessary.

3. In cases where a customer tampers with, works on, uncovers, makes connection with, or in any way alters or damages any County main or appurtenance thereto causing the County to remove its service between the meter and the main, an amount equal to the tap-in fee or the actual cost of repair and reconnection, whichever is less, shall be paid, in order to obtain new water service.

SECTION 1.8B:

B. Agreements Or Contracts For Service

Service is furnished only upon written application submitted to and accepted by Lee County Utilities and upon payment for all applicable connection or other service fees. The conditions of such application and the resulting agreement or contract for service are binding upon the customer as well as upon Lee County Utilities. Such application will

protect both parties from error or irresponsible actions of others. Applications are accepted by Lee County Utilities with the understanding that there is no obligation on the part of Lee County Utilities to render service other than that which is then available from its existing facilities. A copy of the application/contract for service will be furnished to the applicant on request.

No application for service shall be accepted without a proper site address and personal identification and signature of the individual responsible for payment of fees, charges, and/or monthly bills.

SECTION 2.4A AND B:

A. Developer Agreements

When Developers are required to obtain Agreements ~~for the provision of sewage disposal service~~, in addition to the standard application for sewer service, for new properties requiring the construction of sewer facilities from the Lee County Board of Commissioners, Lee County Utilities will prepare and submit such Agreements for acceptance. Final zoning approval of a property must be obtained prior to the County's preparation of the agreement.

B. Sewer Service Within The Service Limits of County

1. To obtain sewer service from an existing Lee County Utilities' sewer line, application should be made at the Lee County Utilities Office. The applicant should make sure that the name of the customer, the street address and legal description of the property to which service is to be rendered are correctly entered upon the contract or agreement for service. When feasible, the applicant should determine whether the property to be served is adjacent to Lee County Utilities' collection system.

A customer first requesting sewer service for such a property is required to pay a connection fee based on meter size or type of service in addition to other fees as may be required. Wastewater Commitment Letters required for building permit purposes will only be issued after all applicable fees are paid.

2. To obtain sewer service for projects not served directly from an existing main and involving construction of developer contributed utility infrastructure, application should be made at the Lee County Utilities (LCU) office. The applicant should make sure that the name of the customer, the street address and legal description of the property

to which service is to be rendered are correctly entered upon the contract or agreement for service.

A customer requesting sewer service for such a property is required to pay a connection fee based on meter size(s) or type(s) of service. Other fees may also be required.

Such projects are required to pay 50% of the applicable connection fees at the time the County is asked to commit capacity to provide service for the project by signing the FDEP and Health Department permit applications. The remaining 50% is to be paid at the time the constructed assets are contributed to LCU for operations and maintenance. LCU's commitment to provide service is limited to two years unless payment of the remaining 50% for the connection fees is made within this same two year period. Letters of Credit, or other forms of sureties will not be acceptable as payment of connection fees.

A refund of up to 90% of the amount paid for connection fees may be made if the customer determines the project is not going to be constructed and commitment for capacity to serve the project is no longer needed. Application for such refund must be made prior to expiration of LCU's commitment to provide service. LCU's ability to resell the previously committed capacity will be considered with other factors in determining if such a refund will be made.

A customer shall have the right to make a full assignment of reserved system capacity or partial assignment of reserved system capacity as obtained by payment of connection fees. Such assignment shall not be made without the written consent of LCU first having been obtained, and such consent shall not be unreasonably withheld. Such assignment shall not be approved by LCU if the proposed assignment shifts the reserved capacity from one treatment plant to another that does not have sufficient capacity to provide the additional service. When only the initial 50% of the applicable connection fees have been paid, assignment of reserved capacity to another party shall in no way extend the initial two-year reservation of capacity.

Customers developing larger projects in phases are encouraged to provide their longer range plans to LCU so that these plans may be considered as LCU plans to provide for future wastewater system needs. However, when it comes to commitment of capacity, customers developing larger projects are encouraged to phase these projects requesting only system capacities that are likely to be needed within the near future. This practice will help reduce the out-of-pocket connection fee expense and help avoid reaching commitment of total plant capacities earlier than necessary.

SECTION 2.10F:

F: Application for Service

Service is furnished only upon written application submitted to and accepted by Lee County Utilities and upon payment for all applicable connection or other service fees. The conditions of such application and the resulting agreement or contract for service are binding upon the customer as well as upon Lee County Utilities. Such application will protect both parties from error or irresponsible actions of others. Applications are accepted by Lee County Utilities with the understanding that there is no obligation on the part of Lee County Utilities to render service other than that which is then available from its existing facilities.

2. This Resolution shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION was offered by Commissioner Manning, who moved its adoption. the Motion was seconded by Commissioner Coy, and upon being put to a vote, the vote was as follows:

Commissioner Manning:	<u>AYE</u>	(1)
Commissioner St. Cerny:	<u>AYE</u>	(2)
Commissioner Judah:	<u>AYE</u>	(3)
Commissioner Coy:	<u>AYE</u>	(4)
Commissioner Albion:	<u>AYE</u>	(5)

DULY PASSED AND ADOPTED this 6th day of April

1999.

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Michele B. Lesmer
DEPUTY CLERK

BY: Ray Judah
CHAIRMAN

APPROVED AS TO FORM

[Signature]
Office of County Attorney