

LEE COUNTY RESOLUTION NO. 23-05-32

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ESTABLISHING THE ANNUAL RESIDENTIAL AND COMMERCIAL SPECIAL ASSESSMENT CHARGES FOR UNINCORPORATED LEE COUNTY MANDATORY GARBAGE AND SOLID WASTE DISPOSAL AND SOLID WASTE SYSTEM ASSESSMENT, AND FOR MUNICIPAL FACILITIES SPECIAL ASSESSMENTS/TAX, PURSUANT TO THE PROVISIONS AS CONTAINED IN LEE COUNTY ORDINANCE NO. 11-27, AND LEE COUNTY ORDINANCE NO. 96-09, AS AMENDED; PROVIDING FOR RATES FOR THE SOLID WASTE FRANCHISE AREAS WITHIN UNINCORPORATED LEE COUNTY, THE TOWN OF FORT MYERS BEACH, THE CITY OF BONITA SPRINGS, VILLAGE OF ESTERO, THE CITY OF CAPE CORAL AND MUNICIPAL FACILITIES SPECIAL ASSESSMENTS/TAX; PROVIDING FOR EFFECTIVE DATES FOR THE ADOPTED RATES; PROVIDING FOR PLACEMENT OF THE SPECIAL ASSESSMENTS ONTO THE LEE COUNTY TAX BILL FOR COLLECTION BY THE LEE COUNTY TAX COLLECTOR PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, AND LEE COUNTY RESOLUTION NO. 97-12-23 FOR THE 2023 TAX YEAR; PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED RESOLUTION.

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

WHEREAS, the Board of County Commissioners has duly adopted Lee County Ordinance No. 11-27 and Lee County Ordinance No. 96-09, as amended, relating to the financial requirements for the collection and disposal of solid waste in Lee County; and,

WHEREAS, the Board of County Commissioners has previously approved the establishment of residential and commercial special assessment rates for the Lee County Mandatory Garbage and Solid Waste Collection Program; and,

WHEREAS, the Board of County Commissioners has previously entered into certain Interlocal Agreements with the municipalities within Lee County for the levy of solid waste disposal facilities costs within the respective municipalities; and,

WHEREAS, the Board finds and determines that the Affected Units within the Municipal Service Benefit Units are specially benefitted in an amount that is at least equal to the special assessments, as the result of the County providing solid waste collection and/or disposal services; and,

WHEREAS, the special assessment rates are being imposed pursuant to the provisions as contained in Lee County Ordinance No. 11-27 and Lee County Ordinance No. 96-09, as amended, to provide sufficient revenues to fund the collection and disposal of garbage and solid waste in Lee County; and,

WHEREAS, the Board of County Commissioners is now establishing the special assessment rates for the Affected Units in the approved Lee County Mandatory Garbage and Solid Waste Service Areas and municipalities for the next fiscal year; and,

WHEREAS, such billing year shall be in effect from October 1, 2023 through September 30, 2024; and,

WHEREAS, on December 23, 1997, the Board of County Commissioners adopted Lee County Resolution No. 97-12-23 indicating the Board's intent to utilize the Uniform Method for placement of the Lee County Solid Waste Special Assessments onto the Lee County Tax Roll and collection by the Lee County Tax Collector per Section 197.3632, Florida Statutes; and,

WHEREAS, the Board of County Commissioners continues to desire to utilize Section 197.3632, Florida Statutes, Uniform Method of Collection for the Lee County Solid Waste Special Assessments for the 2023 tax year; and,

WHEREAS, the Board of County Commissioners finds that all such actions taken by the Board with respect to the levy, placement and collection of the fiscal year 2023-2024 Solid Waste Special Assessments serve a public purpose and are to the public benefit.

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

**SECTION ONE**

The Board of County Commissioners hereby finds, re-adopts and re-confirms its findings and declarations as contained in Lee County Ordinance No. 11-27 and Lee County Ordinance No. 96-09, as amended, and further specifically finds that each affected unit subject to mandatory collection and disposal of solid waste as generally described in Lee County Ordinance No. 11-27 and Lee County Ordinance No. 96-09, as amended, is specially benefitted in an amount that is at least equal to the costs assessed for providing such service, thereby specially benefitting the subject real properties.

**SECTION TWO**

a)\* The annual special assessment rates per unit for the Lee County Mandatory Garbage and Solid Waste Collection service areas, which includes all administrative fees, are hereby adopted as follows:

**UNINCORPORATED RESIDENTIAL, CITY OF BONITA SPRINGS, THE TOWN OF FORT MYERS BEACH AND THE VILLAGE OF ESTERO**

		<u>Total Annual Residential Assessment</u>
Service Area 1	Bonita Springs, Town of Fort Myers Beach, Village of Estero	\$302.38
Service Area 2	South Fort Myers – West, Iona/McGregor, Captiva, Village of Estero	\$294.52
Service Area 3	South Fort Myers – East, San Carlos	\$308.82

	Park, Villas, Village of Estero	
Service Area 4	East, Lehigh Acres, Alva	\$308.82
Service Area 5	Pine Island, North Fort Myers	\$320.77
Service Area 6	Boca Grande	\$267.73
Service Area 7	Outer Islands	\$ 21.93

b)\*\* The annual special assessment rates per unit for the fixed charges for the Lee County Solid Waste Disposal Facilities are hereby adopted as follows:

- 1) Incorporated Residential (per unit) \$30.89
- 2) Multi-family Residential (per unit) \$14.34
- 3) Recreational Vehicle (RV) Parks (per lot) \$ 2.33
- 4) Business and Institutions:  
Category  
A \$0.00493 per square ft.  
B \$0.01685 per square ft.  
C \$0.02875 per square ft.  
D \$0.10512 per square ft.  
E \$0.21023 per square ft.

\* Ratepayers can realize a 4 percent discount by using the tax collector's early payment procedure.

+ An administrative billing charge of \$2.55 per account will be added to the assessments for properties in items b (1) through b (4).

c) The rates and fees for the Lee County Solid Waste Facilities are hereby adopted as follows:

MSW Tipping Fee (with Disposal Facility Assessment)	\$82.16 per ton
MSW Gate Fee	\$63.56 per ton

**SECTION THREE**

The rates in Section Two reflect the annual rates that shall be in effect for the respective Lee County Solid Waste Service Areas representing the disposal facilities costs and shall comprise the total annual charges for solid waste collection, disposal and facilities costs. Collection costs are included for unincorporated Lee County residential properties (excluding the outer islands), the Town of Fort Myers Beach residential properties, City of Bonita Springs residential properties and the Village of Estero residential properties.

Residential units applying for a Certificate of Occupancy during September 2023 shall pay the entire FY2023-2024 annual special assessment rate, per unit, minus a 4% (four percent) discount, for the appropriate Lee County Mandatory Garbage and Solid Waste Collection service area upon making such application.

**SECTION FOUR**

The effective dates for the above adopted rates and fees shall be from October 1, 2023 through September 30, 2024.

**SECTION FIVE**

Pursuant to Lee County Resolution No. 97-12-23 (incorporated herein in its entirety by reference), the Board hereby directs that the 2023-2024 Solid Waste Disposal and Solid Waste System Assessment be placed onto the Lee County Tax Roll for collection by the Lee County Tax Collector per Section 197.3632, Florida Statutes for the 2023 tax year.

**SECTION SIX**

This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

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

KEVIN RUANE	<u>Aye</u>
CECIL PENDERGRASS	<u>Aye</u>
RAY SANDELLI	<u>Aye</u>
BRIAN HAMMAN	<u>Aye</u>
MIKE GREENWELL	<u>Aye</u>

DULY PASSED AND ADOPTED this 16th day of May, 2023.

ATTEST:  
KEVIN KARNES, CLERK

By: 

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: 

Brian Hamman, Chairman



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY.

By: 

Office of the County Attorney