

LEE COUNTY RESOLUTION NO. 11-08-26

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, REPEALING LEE COUNTY RESOLUTION NO. 07-08-70 RELATING TO THE LEE COUNTY WATER AND WASTEWATER SYSTEM, 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 Wastewater System; and,

WHEREAS, the Board of County Commissioners has previously adopted Lee County Resolution No. 07-08-70, setting and structuring the rates, charges and connection fees for the Lee County Water and Wastewater System; and,

WHEREAS, the County is now desirous of further adjusting the rates and charges for the Lee County Water and Wastewater 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 Wastewater System rates, charges 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,

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8-9-11

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 Wastewater 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of Lee County in Resolution No. 07-08-70 relating to the Lee County Water and Wastewater System, are hereby repealed.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 Wastewater 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 Wastewater

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 Wastewater System are as follows:

A. LEE COUNTY UTILITIES WASTEWATER SYSTEM CUSTOMER RATES

	Wastewater Residential Service Charges			
	Effective Date			
	10/1/2011	10/1/2012	10/1/2013	10/1/2014
Residential Service:				
Administrative Charge (Per Bill)	\$2.90	\$3.13	\$3.28	\$3.43
Monthly Service Charge (Per Unit/Lot):				
Single Family (1.0 ERU)	\$14.40	\$15.55	\$16.27	\$17.02
Multi-Family (0.8 ERU)	\$11.52	\$12.44	\$13.01	\$13.61
Mobile Home (0.8 ERU)	\$11.52	\$12.44	\$13.01	\$13.61
Recreational Vehicle (0.4 ERU)	\$5.76	\$6.22	\$6.51	\$6.81
Metered User Charge				
(Per 1,000 Gallons) [1]	\$4.95	\$5.35	\$5.59	\$5.85
Unmetered User Charge (Per Unit/Lot) [2]:				
Single Family (1.0 ERU)	\$22.28	\$24.06	\$25.17	\$26.33
Multi-Family (0.8 ERU)	\$17.82	\$19.25	\$20.13	\$21.06
Mobile Home (0.8 ERU)	\$17.82	\$19.25	\$20.13	\$21.06
Recreational Vehicle (0.4 ERU)	\$8.91	\$9.62	\$10.07	\$10.53

ERU = Equivalent Residential Unit

Note:

[1] Residential units are billed wastewater user charges based upon their respective monthly metered water consumption. Monthly metered water use above 9,000 gallons per residential living unit will not be billed the wastewater user charge.

[2] Customers that do not receive metered water service used to determine the billed wastewater user charges shall be billed the unmetered user charge in-lieu of the metered user charge.

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

		Wastewater Commercial & Non-Residential Service Charges			
		Effective Date			
		10/1/2011	10/1/2012	10/1/2013	10/1/2014
Commercial & Non-Residential Service:					
Monthly Service Charge (Per Metered Account)[1]:					
5/8"	(1.0 ERU)	\$17.30	\$18.68	\$19.55	\$20.45
3/4"	(1.5 ERU)	\$24.50	\$26.46	\$27.69	\$28.96
1"	(2.5 ERU)	\$38.90	\$42.01	\$43.96	\$45.98
1 1/2"	(5.0 ERU)	\$74.90	\$80.88	\$84.63	\$88.53
2"	(8.0 ERU)	\$118.10	\$127.53	\$133.44	\$139.59
3"	(16.0 ERU)	\$233.30	\$251.93	\$263.60	\$275.75
4"	(25.0 ERU)	\$362.90	\$391.88	\$410.03	\$428.93
6"	(50.0 ERU)	\$722.90	\$780.63	\$816.78	\$854.43
8"	(80.0 ERU)	\$1,154.90	\$1,247.13	\$1,304.88	\$1,365.03
10"	(145.0 ERU)	\$2,090.90	\$2,257.88	\$2,362.43	\$2,471.33
Metered User Charge (Per 1,000 Gals)		\$4.95	\$5.35	\$5.59	\$5.85

ERU = Equivalent Residential Unit

Note:

[1] Amounts shown include the addition of the monthly: i) service charge per metered account; and ii) administrative charge per bill.

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 for commercial and non-residential service is the sum of the: i) service charge; ii) administrative fee (included as a component of the service charge); and iii) user charges, in accordance with the schedule.

B. LEE COUNTY UTILITIES WATER SYSTEM CUSTOMER RATES

Water Residential Service Charges

	Effective Date			
	10/1/2011	10/1/2012	10/1/2013	10/1/2014
Residential Service:				
Administrative Charge (Per Bill)	\$3.10	\$3.29	\$3.36	\$3.44
Monthly Service Charge (Per Unit/Lot):				
Single Family (1.0 ERU)	\$8.25	\$8.75	\$8.95	\$9.15
Multi-Family (0.8 ERU)	\$6.60	\$7.00	\$7.16	\$7.32
Mobile Home (0.8 ERU)	\$6.60	\$7.00	\$7.16	\$7.32
Recreational Vehicle (0.4 ERU)	\$3.30	\$3.50	\$3.58	\$3.66
Usage Charge (Per 1,000 Gallons) [1]:				
Usage Block 1	\$2.95	\$3.13	\$3.20	\$3.27
Usage Block 2	\$3.69	\$3.91	\$4.00	\$4.09
Usage Block 3	\$4.43	\$4.70	\$4.80	\$4.91
Usage Block 4	\$5.90	\$6.25	\$6.40	\$6.54
Usage Block Ranges [2]:				
	<u>Single-Family</u>	<u>Multi-Family</u>	<u>Mobile Home</u>	<u>R.V.</u>
Usage Block 1	0-6,000	0-4,800	0-4,800	0-2,400
Usage Block 2	6,001-12,000	4,801-9,600	4,801-9,600	2,401-4,800
Usage Block 3	12,001-18,000	9,601-14,400	9,601-14,400	4,801-7,200
Usage Block 4	Above 18,000	Above 14,400	Above 14,400	Above 7,200

ERU = Equivalent Residential Unit

Note:

[1] Customers are billed the usage charge based on the residential unit's respective monthly use per usage block.

[2] Residential unit usage blocks are determined based on the customer's ERU factor. Amounts shown reflect the varying usage block ranges per customer type.

Each residential service account will be charged a monthly administrative fee per bill. Charges shown are billed to residential units based on the monthly use per usage block as applied to the respective usage charge. Residential units usage blocks vary based on the customer's ERU factor.

An additional well field 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) well field development surcharge (if applicable); and iv) user charges in accordance with this schedule.

Water Commercial & Non-Residential Service Charges

		Effective Date			
		10/1/2011	10/1/2012	10/1/2013	10/1/2014
Commercial & Non-Residential Service:					
Monthly Service Charge (Per Metered Account)[1]:					
5/8"	(1.0 ERU)	\$11.35	\$12.04	\$12.31	\$12.59
3/4"	(1.5 ERU)	\$15.48	\$16.42	\$16.79	\$17.17
1"	(2.5 ERU)	\$23.73	\$25.17	\$25.74	\$26.32
1 1/2"	(5.0 ERU)	\$44.35	\$47.04	\$48.11	\$49.19
2"	(8.0 ERU)	\$69.10	\$73.29	\$74.96	\$76.64
3"	(16.0 ERU)	\$135.10	\$143.29	\$146.56	\$149.84
4"	(25.0 ERU)	\$209.35	\$222.04	\$227.11	\$232.19
6"	(50.0 ERU)	\$415.60	\$440.79	\$450.86	\$460.94
8"	(80.0 ERU)	\$663.10	\$703.29	\$719.36	\$735.44
10"	(145.0 ERU)	\$1,199.35	\$1,272.04	\$1,301.11	\$1,330.19
User Charge (Per 1,000 Gallons) [2]					
	Usage Block 1 (0-6,000 / 1.0 ERU)	\$2.95	\$3.13	\$3.20	\$3.27
	Usage Block 2 (6,001-12,000 / 1.0 ERU)	\$3.69	\$3.91	\$4.00	\$4.09
	Usage Block 3 (12,001-18,000 / 1.0 ERU)	\$4.43	\$4.70	\$4.80	\$4.91
	Usage Block 4 (Above 18,000 / 1.0 ERU)	\$5.90	\$6.25	\$6.40	\$6.54
	User Charge – Non-Irrigation (Per 1,000 Gals)	\$3.10	\$3.29	\$3.36	\$3.44
User Charge – Irrigation (Per 1,000 Gallons) [3]					
	Usage Block 1 (0-6,000)	\$3.69	\$3.91	\$4.00	\$4.09
	Usage Block 2 (6,001-12,000)	\$4.43	\$4.70	\$4.80	\$4.91
	Usage Block 3 (Above 12,000)	\$5.90	\$6.25	\$6.40	\$6.54

ERU = Equivalent Residential Unit.

Note:

[1] Amounts shown include the addition of the monthly: i) service charge per metered account; and ii) administrative charge per bill.

[2] Charges shown are billed to commercial accounts based on the monthly use per usage block as applied to the respective usage charge. Commercial accounts not designated as non-irrigation and/or irrigation class (as listed above) shall determine their respective usage blocks based on the customer's respective meter size as applied to the ERU ratio. E.g. a commercial customer with a 2-inch metered account may calculate its first usage block as follows:

2-inch meter = 8.0 ERU Ratio times the upper limit of the first usage block for 1 ERU at 6,000 gallons per month resulting in the first usage block at 1-48,000 gallons per month.

[3] All irrigation class customers shall be billed the user charge based on the monthly use per usage block. Usage blocks do not vary with meter size for this customer class.

An additional well field 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 for commercial and non-residential service is the sum of the: i) service charge; ii) administrative fee (included as a component of the service charge); iii) user charges; and iv) where applicable, well field development surcharge, in accordance with the schedule.

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 (ERU). The actual Connection Fee charges shall be calculated by multiplying the number of ERUs designated, times the connection fee per ERU. The Connection Fee will be based upon the actual type of use or user category (example, number of multi-family, mobile homes, RVs, single family) of each unit on-site, regardless of any other designated uses. The Commercial and Non-Residential Connection (capacity) Fee shall be based 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 Wastewater 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 wastewater usage for twenty four (24) months from the first customer's initial service date and shall bill to the owner for any adjustment(s) to the Water and Wastewater Connection Fee for capacity use in excess of the amount originally paid and reserved. Any additional Connection Fee payments shall be billed to the owner at the same connection fee 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 Wastewater System.
 - i. In addition to the physical connection to, and the installation of a meter for the determination of consumption for both water and wastewater system, the County shall charge a connection fee which represents the capital facility cost of the water and wastewater system capacity utilized by the new connection.
 - ii. The capital cost of the water and wastewater 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.

- iii. 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).

Per BoCC Approval (BS 2013-0714), mobile homes within a mobile home community are assigned a .80 ERU when separately metered

- iv. If an Amendment to the Development Order is requested which results in additional ERUs being served due to additional flows, the additional ERUs connection/capacity fee payment will be based on the connection/capacity fees in effect at the time of Amendment approval. Letters of Credit, or other forms of sureties will not be acceptable as payment of connection/capacity fees.

The Connection (Capacity) Fees are as follows:

<u>SYSTEM CONNECTION (CAPACITY) FEES [1]</u>			
<u>Classification</u>	<u>No. ERUs</u>	<u>Water Charge</u>	<u>Wastewater Charge</u>
Residential Service (per Unit/Lot)			
Single-Family	1.00	\$2,440	\$2,660
Multi-Family	0.80	1,952	2,128
Recreational Vehicle	0.40	976	1,064
Commercial Service and All Non-Residential Services		<u>Charge Per Gallon</u>	
		\$9.76	\$10.64

Note:

[1] 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"	\$260.00
3/4"	295.00
1"	325.00
1-1/2"	525.00
2"	595.00
3" and above	Actual Cost

Water Meter Installation charges are to recover the cost of meter installation to new connections including installation of the meter, meter box (if necessary), and restoration. Water meter installation fees are not to recover any costs associated with tap-in to the water distribution system. A Tap-In Fee will be assessed in lieu of the Water Meter Installation Fee. In addition to new installations, these rates may also apply to water service upgrades or facility relocations.

Existing customers wishing to upgrade water meters in terms of diameter are required to pay for a new water main tap and/or time and material costs in addition to connection/capacity fees based on current rate calculations minus applicable credits for the existing meter. Charges for larger meters 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 Lee County Utilities.

B. TAP-IN CHARGES

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$1,025.00
3/4"	1,060.00
1"	1,090.00
1-1/2"	1,650.00
2"	1,800.00
3" and above	Actual Cost
Wastewater Main Tap Charge	Actual Cost

Tap-in charges are in-lieu of the meter installation charge to recover the cost of connection and meter installation to new connections, including tap-in or directional bore (where applicable) to the water distribution system, installation of the meter, meter box, and any restoration charges. In addition to new installations, these rates may also apply to water and wastewater service upgrades or facility locations.

Existing customers wishing to upgrade water meters in terms of diameter are required to pay for a new tap and/or time and material costs in addition to connection/capacity fees based on current rate calculations minus applicable credits for the existing meter. 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. Customers wishing to reduce the water meter diameter are responsible for the time and material required to perform the meter reduction. The reduction of water meter size does not produce a refund for previously purchased connection/capacity fees. Connection/capacity fees are assigned to and remain with the parcel being served.

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

Includes charges for meter re-reads and special reads, no water calls due to house valve being turned off and any specific activities where a trip to the customer's premises is requested

by the customer or as required by Lee County Utilities. Further, upon 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)	50.00	65.00

E. PLAN REVIEW FEES – 1.0% of the contributed asset value including labor costs incurred by the County or \$790 minimum charge, whichever is greater for the 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"	\$4.98
3/4"	4.98
1"	4.98
1-1/2"	4.98
2"	4.98
3"	9.96
4"	14.95
6"	29.89
8"	48.76
10"	59.78
Above 10"	59.78

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

G. METER BENCH TEST FEE, UPON WRITTEN REQUEST

Charge
\$70.00

Customers requesting a
meter bench test must
provide a written request.

H. CUSTOMER DEPOSIT

	<u>Water System</u>	<u>Wastewater System</u>
Residential Service		
Metered and Unmetered Per Unit/Lot		
Single-Family	\$60.00	\$95.00
Multi-Family/Mobile Home [1]	48.00	76.00
Recreational Vehicle [1]	24.00	38.00
 Commercial Service and All Non-Residential Services		
<u>Meter Size</u>		
5/8"	\$60.00	\$95.00
3/4"	90.00	142.50
1"	150.00	237.50
1-1/2"	300.00	475.00
2"	480.00	760.00
3"	960.00	1,520.00
4"	1,500.00	2,375.00
6"	3,000.00	4,750.00
8"	4,800.00	7,600.00
10"	8,700.00	13,775.00

Note:

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

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

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.

	Reclaimed Water Service Charges			
	Effective Date			
	10/1/2011	10/1/2012	10/1/2013	10/1/2014
Reclaimed Water Service:				
Metered User Charge (Per 1,000 Gals)	\$0.46	\$0.50	\$0.52	\$0.55

J. WHOLESALE WATER AND WASTEWATER RATES

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

	Wholesale Water and Wastewater Service Charges			
	Effective Date			
	10/1/2011	10/1/2012	10/1/2013	10/1/2014
Wholesale Water Service:				
Metered User Charge (Per 1,000 Gals)	\$3.46	\$3.67	\$3.75	\$3.84
Wholesale Wastewater Service:				
Metered User Charge (Per 1,000 Gals)	\$4.33	\$4.68	\$4.89	\$5.12

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 wastewater service, or both, to a qualifying applicant will be established by an agreement between the applicant and the County.

K. TEMPORARY HYDRANT METER/BACKFLOW DEPOSIT

<u>Meter Size</u>	<u>Deposit Amount</u>
5/8" x 3/4"	\$280.00
1"	370.00
1-1/2"	730.00
2"	840.00

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 preventer to the County in proper operating condition.

L. UNAUTHORIZED WATER TAP SURCHARGE

Individuals establishing water service by performing an unauthorized connection, tap-in and/or a straight pipe, 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.

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 \$135.00 will be charged to the individual per occurrence. In addition, any individual that connects to the wastewater system without authorization shall pay a fine of \$400.00 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 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 with Lee County Utilities billings effective October 1, 2011. 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 Manning, who moved its adoption. The motion was seconded by Commissioner Judah and, is being put to vote, the vote was as follows:

John Manning	<u>Aye</u>
Brian Bigelow	<u>Nay</u>
Ray Judah	<u>Aye</u>
Tammy Hall	<u>Aye</u>
Frank Mann	<u>Nay</u>

DULY PASSED AND ADOPTED this 9th day of August 2011.

ATTEST:
CHARLIE GREEN, CLERK

By: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chair



APPROVED AS TO FORM:

By: [Signature]
Office of County Attorney