

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20021304

1. REQUESTED MOTION:

ACTION REQUESTED: Consider approval of a Wastewater Treatment Service Agreement between Lee County and Environmental Protection Systems of Pine Island, Inc. ("EPS"), and authorize the Chairman's signature if approved. The Agreement is for providing wholesale wastewater treatment services to the "Cherry Estates" Mobile Home Park on Pine Island.

WHY ACTION IS NECESSARY: All Agreements for providing utility service must be approved by the Board of County Commissioners at a regular meeting.

WHAT ACTION ACCOMPLISHES: Provides central wastewater treatment service to the "Cherry Estates" Mobile Home Park on Pine Island and requires the owners to discontinue use of an on-site package plant wastewater treatment system. Connection charges will be paid over time consistent with past practices for the retro-fit of central sewer to an established community.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT # 1 A10A **3. MEETING DATE:** 11-26-2002

| | | |
|--|--|---|
| <p>4. AGENDA:</p> <p><input type="checkbox"/> CONSENT</p> <p><input checked="" type="checkbox"/> ADMINISTRATIVE</p> <p><input type="checkbox"/> APPEALS</p> <p><input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> WALK ON</p> <p>TIME REQUIRED:</p> | <p>5. REQUIREMENT/PURPOSE: (Specify)</p> <p><input type="checkbox"/> STATUTE</p> <p><input type="checkbox"/> ORDINANCE</p> <p><input type="checkbox"/> ADMIN. CODE</p> <p><input checked="" type="checkbox"/> OTHER</p> | <p>6. REQUESTOR OF INFORMATION:</p> <p>A. COMMISSIONER</p> <p>B. DEPARTMENT <u>Public Works</u></p> <p>C. DIVISION <u>Lee County Utilities</u></p> <p>BY: <u>Rick Diaz, P.E., Director</u></p> <p align="right"><i>[Signature]</i> <u>11-12-02</u></p> |
|--|--|---|

7. BACKGROUND:
September, 1997 through October, 2002 Negotiations are conducted by and between Lee County representatives and Environmental Protection Systems, Inc., "EPS" (Cherry Estates) representatives for an Agreement to provide the Cherry Estates Mobile Home Park on Pine Island with central, wholesale sewer service.

(BACKGROUND CONTINUED - NEXT PAGE)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | | | | G County Manager |
|---------------------------------------|------------------------------|----------------------|------------|---------------------------------------|-----------------------|-----------------------|-------------------------|-----------------------|---------------------------------------|
| <i>[Signature]</i> <u>11-13-02</u> | N/A | N/A | N/A | <i>[Signature]</i> <u>11/13/02</u> | OA <u>11/13/02</u> | OM <u>11/14/02</u> | RISK <u>11/14/02</u> | GC <u>11/14/02</u> | <i>[Signature]</i> <u>11-12-02</u> |

10. COMMISSION ACTION:

APPROVED

DENIED

DEFERRED

OTHER

Rec. by CoAtty

Date: 11/13/02

Time: 2:44 PM

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COUNTY ADMIN.
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**WASTEWATER TREATMENT SERVICE AGREEMENT
BETWEEN LEE COUNTY AND
ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC.**

THIS AGREEMENT is made and entered into this ___ day of _____, 2002, by and between **LEE COUNTY**, a political subdivision and charter county of the State of Florida, by and through the Lee County Board of County Commissioners ("COUNTY"), and **ENVIRONMENTAL PROTECTION SYSTEMS OF PINE ISLAND, INC.**, a Florida corporation ("EPS").

WITNESSETH:

WHEREAS, LEE COUNTY has constructed a central wastewater treatment and disposal system serving residential and commercial customers on Pine Island and Matlacha, Florida (the "Regional System") and wishes to sell wastewater service to EPS; and,

WHEREAS, EPS owns and operates a certain wastewater collection, treatment and disposal system providing service exclusively to Cherry Estates manufactured home subdivision and RV Park, an area commonly known as "Cherry Estates", located on Pine Island, Florida pursuant to PSC Certificate No. _____ ("Service Area"); and,

WHEREAS, EPS has determined that its wastewater treatment and disposal facilities are nearing the end of their useful life and will require costly future upgrades and improvements in order to comply with increasingly stringent requirements of both State and Federal regulatory agencies, so as to continue to provide adequate service to its existing and future customers; and,

WHEREAS, EPS has undertaken a detailed investigation into treatment and disposal alternatives and determined that the most prudent and cost-effective method of continuing to provide quality wastewater service at the lowest cost to its customers is to obtain wastewater treatment and disposal services from Lee County Utilities; and,

WHEREAS, as a condition of service, the COUNTY is requiring EPS pay for its connection to the Regional System, the cost of which is less than the cost to rehabilitate and expand the EPS treatment and disposal facilities; and,

WHEREAS, EPS and the COUNTY now desire to enter into this Wastewater Treatment Service Agreement to set forth the terms and conditions for the purchase and sale of wastewater treatment and disposal service between the Parties.

LEE COUNTY RESOLUTION NO. 02-07-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY RESOLUTION NO. 99-03-12 RELATING TO THE LEE COUNTY WATER AND SEWER SYSTEM, AMENDING LEE COUNTY RESOLUTION NOS. 99-04-19 AND 98-10-15 RELATING TO CONNECTION FEES AND MISCELLANEOUS SERVICE CHARGES, PURSUANT TO THE PROVISIONS OF LEE COUNTY ORDINANCE NO. 87-3 AS AMENDED, 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. 87-3, establishing procedures for adopting rates and charges adjustments for the Lee County Water and Sewer System; and,

WHEREAS, the Board of County Commissioners has previously adopted Lee County Resolution No. 99-03-12, 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 Nos. 99-04-19 and 98-10-15, setting revised connection fees and miscellaneous service charges 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 charges 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,



WHEREAS, it is in the public interest and serves a public purpose that this resolution be adopted thereby amending the monthly service charges, connection fees and miscellaneous services charges 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, Connection Fees and, Miscellaneous Service Charges as contained in this Resolution are implemented and approved pursuant to the provisions contained in Lee County Ordinance No. 87-3, as amended, Sections I and III.

SECTION TWO:

The Monthly Service Charges as previously adopted by the Board of County Commissioners of Lee County in Resolution No. 99-03-12 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 FOR THE EAST LEE COUNTY, SOUTH FORT MYERS,
FORT MYERS BEACH AND MATLACHA SERVICE AREAS**

| <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> |
|---------------------------------------|--------------------------------------|--|-------------------------------------|
| Residential Services | | | Per Unit/Lot |
| Single-Family | \$10.10 per unit | \$3.69 | \$16.61 per unit |
| Multi-Family | \$8.10 per unit/lot | | \$13.29 per unit/lot |
| Recreational Vehicle | \$4.10 per unit/lot | | \$6.65 per unit/lot |

Each residential service account shall be charged a monthly administrative fee of \$3.25.

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>Meter Size</u> | <u>Monthly Service Charge</u> | <u>User Charge</u> Per 1,000 Gallons (or portion thereof) |
|--|-------------------------------|---|
| 5/8" | \$13.35 | \$3.69 |
| 3/4" | 18.45 | |
| 1" | 28.55 | |
| 1-1/2" | 54.25 | |
| 2" | 84.25 | |
| 3" | 165.00 | |
| 4" | 255.50 | |
| 6" | 509.75 | |
| 8" | 813.50 | |
| 10" | 1,470.30 | |

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) <u>Per ERU</u> |
|--------------------------------|-------------------------------|---|
| Residential Services | | |
| Single-Family | \$6.20 per unit | 1 - 6,000 \$2.26 |
| Multi-Family | \$4.95 per unit/lot | 6,001 - 12,000 2.78 |
| Recreational Vehicle | \$2.50 per unit/lot | 12,001 - 18,000 3.30 |
| | | 18,001 and over 4.33 |

Each residential service account will be charged a monthly administrative fee of \$2.25.

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.

The following phase-in program applies for those RV Parks and Mobile Home Parks that have been transferred from a Public Service Commission approved General Service classification. During the phase-in period, the Monthly Service Charge for these customers will be calculated as percentages of the then existing Monthly Service Charge for a single-family residential customer as follows:

Water Monthly Service Charge

| <u>Fiscal Year</u> <u>(Oct. 1 to Sept. 30)</u> | <u>RV Park Customers</u> <u>Per Unit/Lot (*)</u> | <u>Mobile Home Parks</u> <u>Per Unit/Lot (*)</u> |
|---|---|---|
| 2001-02 | \$2.00 (32%) | \$4.00 (64%) |
| 2002-03 | \$2.50 (40%) | \$4.95 (80%) |

(*) Monthly Service Charge expressed in dollars may change for subsequent years. The actual dollar amount to be the percentage of the then existing water Monthly Service Charge for single-family residential customers.

For those parks that include both RV and Mobile Home units/lots, the Monthly Service Charge will be calculated as the sum of the number of each type of units/lots (RV or Mobile Home), times the applicable percentage, times the then existing Monthly Service Charge for the single-family residential customers.

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> |
|---|-------------------------------|------------------|--|
| Commercial and All Non-Residential | | | Per 1,000 Gallons (or portion thereof) For Each ERU |
| <u>Meter Size</u> | | | |
| 5/8" | \$8.45 | 1.0 | 1 - 6,000 \$2.26 |
| 3/4" | 11.55 | 1.5 | 6,001 - 12,000 2.78 |
| 1" | 17.75 | 2.5 | 12,001 - 18,000 3.30 |
| 1-1/2" | 33.25 | 5.0 | 18,001 and over 4.33 |
| 2" | 51.85 | 8.0 | |
| 3" | 101.45 | 16.0 | |
| 4" | 157.25 | 25.0 | |
| 6" | 312.25 | 50.0 | <u>Non-Irrigation Class</u> Per 1,000 \$2.26 |
| 8" | 498.25 | 80.0 | |
| 10" | 901.25 | 145.0 | |
| | | | <u>Irrigation Class</u> |
| | | | 1 - 6,000 \$2.78 |
| | | | 6,001 - 12,000 3.30 |
| | | | 12,001 and over 4.33 |

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.

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 a written permit 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 first eighteen (18) months of service and shall bill to the owner or applicant any adjustments

to the water and sewer Connection Fee for capacity use in excess of the amounts paid by the owner or applicant. Any additional Connection Fee payments shall be billed to the owner or applicant 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.

The Connection (Capacity) Fees are as follows:

| SYSTEM CONNECTION (CAPACITY) FEES | | | |
|--|-----------------|--------------------------|---------------------|
| <u>Classification</u> | <u>No. ERUs</u> | <u>Water Charge</u> | <u>Sewer Charge</u> |
| Residential Service | | | |
| Single-Family | 1.00 | \$1,140 | \$1,735 |
| Multi-Family | | | |
| (per Dwelling Unit) | .80 | 912 | 1,388 |
| Recreational Vehicle | | | |
| (per Dwelling Unit/Lot) | .40 | 456 | 694 |
| Commercial Service and All Non-Residential Services | | <u>Charge Per Gallon</u> | |
| | | \$4.56 | \$6.94 |

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" | \$125.00 |
| 3/4" | 145.00 |
| 1" | 195.00 |
| 1-1/2" | 410.00 |
| 2" | 560.00 |
| 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 Department of Lee County Utilities within ten (10) days upon receipt of such bill.

B. TAP-IN CHARGES

| <u>Meter Size</u> | <u>Charge</u> |
|----------------------------|---------------|
| 5/8" | \$470.00 |
| 3/4" | 490.00 |
| 1" | 560.00 |
| 1-1/2" | 825.00 |
| 2" | 990.00 |
| 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 Department of Lee County Utilities within ten (10) days upon receipt of such bill.

C. PREMISE VISIT (TRIP CHARGE) - \$25.00

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 Department 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 | \$35.00 | \$45.00 |
| Re-connection of Service (Non-Payment Disconnection) | 40.00 | 55.00 |

E. PLAN REVIEW FEES – 1.0% of Construction Cost or \$540 minimum charge, whichever is greater.

F. FIRE SERVICE CHARGES

| <u>Meter Size(*)</u> | <u>Monthly Amount</u> |
|----------------------|-----------------------|
| 5/8" | \$1.90 |
| 3/4" | 2.85 |
| 1" | 4.75 |
| 1-1/2" | 9.55 |
| 2" | 15.25 |
| 3" | 30.50 |
| 4" | 47.65 |
| 6" | 95.30 |
| 8" | 152.50 |
| 10" | 219.20 |

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

G. CUSTOMER DEPOSIT

| | <u>Water System</u> | <u>Sewer System</u> |
|---|---------------------|---------------------|
| Residential Service Metered and Unmetered | | |
| Single-Family | \$45.00 | \$70.00 |
| Multi-Family (*) (per Dwelling Unit/Lot) | 36.00 | 56.00 |
| Recreational Vehicle (*) (per Dwelling Unit/Lot) | 25.00 | 40.00 |

| Commercial Service and All Non-Residential Services | <u>Water System</u> | <u>Sewer System</u> |
|--|---------------------|---------------------|
| | <u>Water System</u> | <u>Sewer System</u> |
| <u>Meter Size</u> | | |
| 5/8" | \$45.00 | \$70.00 |
| 3/4" | 67.00 | 105.00 |
| 1" | 115.00 | 175.00 |
| 1-1/2" | 225.00 | 350.00 |
| 2" | 360.00 | 560.00 |
| 3" | 720.00 | 1,120.00 |
| 4" | 1,125.00 | 1,750.00 |
| 6" | 2,250.00 | 3,500.00 |
| 8" | 3,600.00 | 5,600.00 |
| 10" | 6,525.00 | 10,150.00 |

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.

H. 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 for such service shall pay the rate of \$0.25 per 1,000 gallons, metered consumption. The rate shall be applicable to all users of County's reclaimed water system on a year-round basis.

I. 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 | \$2.46 |
| Sewer Service | 3.36 |

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.

J. TEMPORARY HYDRANT METER/BACKFLOW PREVENTOR DEPOSIT

| <u>Meter Size</u> | <u>Deposit Amount</u> |
|-------------------|-----------------------|
| 5/8" x 3/4" | \$190.00 |
| 1" | 245.00 |
| 1-1/2" | 460.00 |
| 2" | 560.00 |

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.

K. LEAK INSPECTION CHARGE

A fee of \$45.00 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.

L. 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 each unauthorized connection, and per occurrence.

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 \$75.00 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.

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 Department 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 as adopted by this Resolution shall be implemented in the first Department of Lee County Utilities billing period following October 1, 2002.

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

| | |
|----------------------|---------------|
| Bob Janes | <u>Aye</u> |
| Douglas R. St. Cerny | <u>Absent</u> |
| Ray Judah | <u>Aye</u> |
| Andrew W. Coy | <u>Aye</u> |
| John E. Albion | <u>Aye</u> |

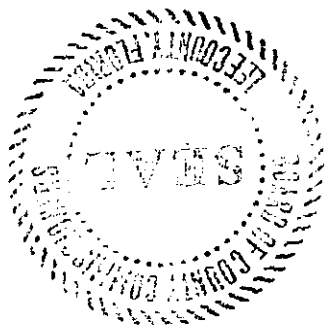
DULY PASSED AND ADOPTED this 9th day of July 2002.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

By: Michelle S. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman



APPROVED AS TO FORM:

By: [Signature]
Office of County Attorney