

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20060855

**1. ACTION REQUESTED/PURPOSE:**

Request Board to conduct a Public Hearing and approve a Resolution to establish the Solid Waste Collection and Disposal Program Special Assessments, rates and charges for tax year 2006 (FY 06-07); approve the proposed Resolution setting the annual special assessments and fees for the 2006 tax year, and direct the special assessments to be placed onto the Lee County tax bill for collection by the Lee County Tax Collector per Section 197.3632, Florida Statutes, for the 2006 tax year and each year thereafter by the terms of the Resolution.

**2. WHAT ACTION ACCOMPLISHES:**

Lee County Ordinances Nos. 05-13 and 95-20, as amended, require that the annual Solid Waste Collection and Disposal Special Assessments, rates and fees be adopted before August 15th of each year. To meet this requirement, the Board is required to set the rates and charges, and direct the special assessments to be placed onto the Lee county tax bill for 2006. Complies with the requirements of Lee County Ordinance Nos. 05-13 and 95-20, as amended, establishes the annual special assessments, rates and fees for the Mandatory Solid Waste Collection and Disposal Program.

**3. MANAGEMENT RECOMMENDATION:**

Staff recommends approval of the requested action.

4. Departmental Category: 8

9:30 AM PH 3

5. Meeting Date: August 1, 2006

**6. Agenda:**

- Consent
- Administrative
- Appeals
- Public
- Walk-On

**7. Requirement/Purpose: (specify)**

- Statute 125.01 & 197.3632 F.S.
- Ordinance 05-13 & 95-20 as amended
- Admin. Code 12-D-18.003-006, FAC
- Other

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
Department Public Works  
Division Solid Waste

By: Lindsey J. Sampson

*[Handwritten signature]*

**9. Background:**

On December 17, 1986, the Board of County Commissioners adopted Resolution No. 86-12-11, that established annual special assessments and rates for the Lee County Mandatory Solid Waste Collection and Disposal Program.

On December 23, 1997, the Board of County Commissioners adopted Lee County Resolution No. 97-12-23, expressing its intent to utilize the Uniform Method of Collection of Special Assessments by the Lee County Tax Collector pursuant to Section 197.3632, Florida Statutes.

Lee County Ordinances Nos. 05-13 and 95-20, as amended, require that the annual Solid Waste Collection and Disposal Special Assessments, rates and fees be adopted before August 15th of each year.

Upon the Board of County Commissioners' authorization for the adoption of the County's Fiscal Year 2006-07 and tax year 2006 Mandatory Solid Waste Collection Program, the annual special assessments, rates and fees for the Solid Waste Collection and Disposal Program will be established for the tax year 2006.

Attachments: Lee County Resolution  
Notice of Intent

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>[Handwritten]</i>	NA	NA		<i>[Handwritten]</i>	Analyst	Risk	Grants	AMgr.	<i>[Handwritten]</i>
					<i>[Handwritten]</i>	<i>[Handwritten]</i>	<i>[Handwritten]</i>	<i>[Handwritten]</i>	<i>[Handwritten]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN:  
7/3/06 4:30 PM

COUNTY ADMIN  
FORWARDED TO: *[Handwritten]*  
7/3/06 4:45 PM

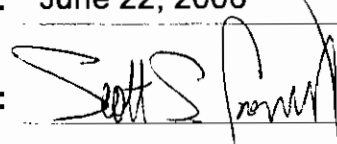
Rec. by CoAtty  
Date: 7/23/06  
Time: 3:00 PM  
Forwarded To: \_\_\_\_\_

**MEMORANDUM**  
**FROM THE**  
**OFFICE OF COUNTY ATTORNEY**

**DATE:** June 22, 2006

**To:** Board of County Commissioners

**FROM:**



Scott S. Coovert  
Assistant County Attorney

**RE: Special Morning Public Hearing to Consider Adoption of the Solid Waste Collection and Disposal Special Assessment Rate Resolution**

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It has been the Boards practice to consider the adoption of rate resolutions at Public Hearing Meetings after 5:00 p.m. However, please be advised that the Solid Waste Division has scheduled a Public Hearing to follow the morning session of the Board of County Commissioners Regular Awards Meeting of Tuesday, August 1, 2006. The purpose of the Public Hearing is to consider the adoption of the Solid Waste Collection and Disposal Special Assessment Rate Resolution before August 15, 2006.

The necessity for the morning Public Hearing arose as a result of the cancelled Board of County Commissioners Meetings during the month of July and August 8, 2006. Also, Lee County Ordinance No. 05-13 requires the Board to hold a Public Hearing before August 15<sup>th</sup> of each year to consider the adoption of the subject rate resolution. Based upon these constraints, a morning Public Hearing on August 1, 2006, is the only available date and time.

SSC/awe

xc: David M. Owen, County Attorney  
Andrea R. Fraser, Chief Assistant County Attorney  
Donald D. Stilwell, County Manager  
Lindsey Sampson, Director, Solid Waste  
Libby Walker, Manager, Public Resources  
Shirley Carney, Administrative Support Supervisor, Public Resources  
Molly Schweers, Administrative Specialist, Public Resources

LEE COUNTY  
NOTICE OF INTENT TO ENACT A COUNTY RESOLUTION

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the **1st** day of **August, 2006** at **9:30 o'clock, a.m.**, in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Resolution pursuant to Chapter 125, Florida Statutes. The title of the proposed County Resolution is as follows:

**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 COLLECTION AND DISPOSAL, AND FOR MUNICIPAL FACILITIES SPECIAL ASSESSMENTS/TAX, PURSUANT TO THE PROVISIONS AS CONTAINED IN LEE COUNTY ORDINANCE NO. 05-13, AND LEE COUNTY ORDINANCE NO. 95-20, 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 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 2006 TAX YEAR; PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED RESOLUTION.**

1. Copies of this Notice and the proposed Resolution are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the Resolution during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.

2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Resolution.

3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Resolution shall take effect immediately upon its adoption by the Board of County Commissioners at the public hearing.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2005), and other relevant sections of Florida law.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Charlie Green, Ex-Officio Clerk  
to the Board of County Commissioners  
of Lee County, Florida

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Office of the County Attorney

Ad Size: 2 x 5

Publishing Dates: July 18, 2006  
July 25, 2006

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**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 COLLECTION AND DISPOSAL, AND FOR MUNICIPAL FACILITIES SPECIAL ASSESSMENTS/TAX, PURSUANT TO THE PROVISIONS AS CONTAINED IN LEE COUNTY ORDINANCE NO. 05-13, AND LEE COUNTY ORDINANCE NO. 95-20, 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 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 2006 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. 05-13 and Lee County Ordinance No. 95-20, 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 and MSTU Taxing Unit are specially benefitted in an amount that is at least equal to the special assessments or MSTU millage as the result of the County providing solid waste collection and/or disposal services; and,

WHEREAS, the special assessment rates and the MSTU millage are being imposed pursuant to the provisions as contained in Lee County Ordinance No. 05-13 and Lee County Ordinance No. 95-20, 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 and MSTU millage 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, 2006 to September 30, 2007; 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 2006 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 2006-2007 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. 05-13 and Lee County Ordinance No. 95-20, 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. 05-13 and Lee County Ordinance No. 95-20, 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, and that the MSTU millage levied is proportional to the MSTU Units' prorata use of the Lee County Disposal Facilities.

**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 AND THE TOWN OF FORT MYERS BEACH

		<u>Total Annual Assessment</u>	<u>Hauler Monthly Collection Cost (Per Residential Unit)</u>
Service Area 1.	Bonita Springs, Town of Fort Myers Beach	\$218.76	\$9.89
Service Area 2.	South Fort Myers -West Iona / McGregor, Captiva	\$227.40	\$10.61
Service Area 3.	South Ft Myers – East, San Carlos Park, Villas	\$222.48	\$10.20
Service Area 4.	East, Lehigh Acres, Alva	\$234.96	\$11.24
Service Area 5.	Pine Island, North Fort Myers	\$248.04	\$12.33
Service Area 6.	Boca Grande	\$178.27	\$10.48
Service Area 7.	Outer Islands	\$ 46.80	N.A.

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:

			<u>Service Area 7</u>
1)	Incorporated Residential (per unit)	\$22.20	N.A.
2)	Multi-family Residential (per unit)	\$14.80	\$29.60
3)	Recreational Vehicle (RV) Parks (per lot)	\$4.62	\$9.24
4)	Business and Institutions:		
	<u>Category</u>		<u>Category – Svc. Area 7 Outer Islands</u>
	A \$ .00522 per square ft.		A \$ .01044 per square ft.
	B \$ .01782 per square ft.		B \$ .03564 per square ft.
	C \$ .03042 per square ft.		C \$ .06084 per square ft.
	D \$ .11119 per square ft.		D \$ .22238 per square ft.
	E \$ .22237 per square ft.		E \$ .44474 per square ft.

5) MSTU (Cape Coral) Millage mills .1111

An administrative billing charge of \$2.40 per account will be added to the assessments for properties in items b (1) through b (4).

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

MSW Tipping Fee	\$69.70 per ton
MSW Tipping Fee w/ surcharges	\$76.90 per ton
MSW Disposal Gate Fee (Customer paying Disposal Facility Assessment including surcharges)	\$58.40 per ton
Document Shredding Gate Fee	\$50.00 - \$60.00 per ton
C & D Disposal Gate Fee	\$65.00 - \$75.00 per ton
Commercial Horticulture Disposal Gate Fee	\$26.00 - \$29.00 per ton
Tire Disposal Gate Fee	\$115.00 - \$160.00 per ton
Container Clean	\$55.00 per ton
Certified Destruction (WTE)	\$130.00 per ton
Oil Filters/Oily Waste	\$145.00 per ton
Recycling Roll-off Pull Charge	\$50.00 - \$75.00 per pull
Commercial Paper Shred Toters Pull Charge	\$50.00 per pull
Commercial Electronics and Paper Shred Pull Charge	\$75.00 per hour

Lee County Surcharges for MSW (unincorporated  
franchisees, individual customers, the  
Town of Fort Myers Beach and the City  
of Bonita Springs) \$7.20 per ton

### **SECTION THREE**

The rates and fees in Sections Two(a) and Two(b) reflect the annual rates that shall be in effect for the respective Lee County Solid Waste Service Areas, and for the 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 (excluding the outer islands), the Town of Fort Myers Beach and City of Bonita Springs residential properties. Residential units applying for a Certificate of Occupancy during September 2006 shall pay the entire FY2006-2007 annual special assessment rate, per unit, 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, 2006 to September 30, 2007.

### **SECTION FIVE**

Pursuant to Lee County Resolution No. 97-12-23 (incorporated herein in its entirety by reference), the Board hereby directs that the 2006-2007 Solid Waste Collection and Disposal Special Assessments and Facilities Assessments be placed onto the Lee County Tax Roll for collection by the Lee County Tax Collector per Section 197.3632, Florida Statutes for the 2006 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 \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY \_\_\_\_\_  
BOB JANES \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
TAMMARA HALL \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney