

**1. Requested Motion:**

**Meeting Date: November 7, 2011**

Adopt Resolution No. 11-22, approving the Petition for a rate adjustment equal to the wholesale water rate increase being imposed by Lee County Utilities, effective November 9, 2011.

**Why is this action necessary:**

Florida Statute 180.13(1) states that the Town Council has the jurisdiction to review, consider and approve rates and charges prior to their implementation.

**What the action accomplishes:**

The Resolution approves the rate adjustment effective November 9, 2011.

**2. Agenda:**

- Consent
- Administrative

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other:

**4. Submitter of Information:**

- Council
- Town Staff – Public Works
- Town Attorney

**5. Background:**

The Lee County BOCC approved a wholesale water rate increase at a public hearing held on August 9, 2011. The wholesale water rate will increase from \$3.20 to \$3.46 per thousand gallons effective November 9, 2011.

PWSI prior to dissolution brought forward a Petition to Town Council requesting a public hearing to consider a rate increase in the amount of \$.26 per 1,000 gallons, to reflect the Lee County increase to the wholesale water rates.

Proper public notification regarding this rate adjustment was achieved via an insert into the monthly water billing, notice posted on the Town web site and publication of the hearing placed in the local paper.

Back ground and supporting documentation is attached as follows:

- Resolution #11-22 – Adopting the rate adjustment
- Public Notice sent with monthly billing and notarized affidavit confirming the same
- Resolution #11-03U including exhibits
- PWSI Request for Hearing on the Petition for Rate Adjustment
- Customer correspondence relating to the request for rate adjustment

**6. Alternative Action:**

Do not approve the rate increase.

**7. Management Recommendations:**

Staff recommends approval.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

**9. Council Action:**

Approved     Denied     Deferred     Other

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 11-22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH **APPROVING** THE PETITION OF THE TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC. FOR AN ADJUSTMENT IN WATER CHARGES TO WATER UTILITY CUSTOMERS OF THE TOWN OF FORT MYERS BEACH TO INCREASE RETAIL POTABLE WATER RATES IN AN AMOUNT THAT IS EQUAL TO THE LEE COUNTY WHOLESALE WATER RATE INCREASES THAT HAVE BEEN APPROVED BY LEE COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, Town Ordinance 01-03 granted the Town of Fort Myers Beach Public Works Services, Inc. (PWSI) an exclusive right, privilege and franchise to construct, maintain, equip and operate a water supply and distribution system within the Town and to provide a water utility service within the Town's Service Area, as set forth more fully in Section Three (3) of said Ordinance (Franchise Ordinance); and

WHEREAS, Section 8 (a) of the Franchise Ordinance provides that water utility rates and charges, inclusive of connection and disconnection charges, impact fees, readiness-to-serve charges, demand charges, meter Charges and the like, may be adjusted by PWSI as provided therein; and

WHEREAS, Section 8(b) of the Franchise Ordinance, as amended by Town Ordinance 08-06, provides that all requests by PWSI for rate and charge adjustments shall be filed with the Town Council in the form of a "Petition for Rate Adjustment," with supporting documentation, at least thirty days prior to the proposed effective date for the adjustment; and

WHEREAS, Section 8(c) of the Franchise Ordinance and Section 180.13(1), Florida Statutes, provides that the Town Council has the jurisdiction to review, consider and approve rates and charges prior to their implementation; and

WHEREAS, Section 8(e) of the Franchise Ordinance provides that the Town Council shall hold at least one public hearing after due public notice and prior to approval of any adjustments to rates and charges. Action shall be taken by the Town Council by resolution and shall constitute final agency action; and

WHEREAS, the measures set forth in Town Ordinance 01-03 and Town Ordinance 08-06 are necessary to provide for the protection of public health, safety, and welfare and to preserve the lives and property of the people of the Town; and

WHEREAS, PWSI filed a Petition for a Rate Adjustment with the Town on September 26, 2011, as permitted by Town Ordinance 01-03 (Petition); and

WHEREAS, following due and proper notice as required by Florida Statute and Town Ordinance, the Town Council held a public hearing on the Petition for Rate Adjustment at the meeting on November 7, 2011 which started at 9:00 am with the actual hearing commencing shortly after \_\_\_\_\_ am on that date; and

WHEREAS, at said hearing, the Town Council reviewed the Petition, considered the testimony of all interested persons and the documents in the file; and

WHEREAS, pursuant to Section 180.13(2), Florida Statutes, the Town Council is required to establish just and equitable rates and charges to be paid for the use of the municipal utility by each person, firm or corporation whose premises are served thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. *Adoption of Recitals.* The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. *Determination of Request for Rate Adjustment.* The Town Council of the Town of Fort Myers Beach hereby approves a rate increase in the amount of twenty-six (26) centers per one thousand (1,000) gallons for each Block Rate for all water utility customers. This adjustment represents an increase that is equivalent to the increase in the wholesale (bulk) water rate recently approved by Lee County, as set forth in the Petition. The Town Council finds that this increase is in the best interest of the Town citizens.

Section 3. *Amount of Retail Water Rate Following Rate Increase.* Following the rate increase approved in Section 2 above, the new retail water rate for all water utility customers will be:

- Block 1 \$5.06 per 1,000 gallons*
- Block 2 \$6.06 per 1,000 gallons*
- Block 3 \$7.06 per 1,000 gallons*
- Block 4 \$8.06 per 1,000 gallons*

Section 3. *Effective Date.* This Resolution shall take effect on November 9, 2011.

A motion to approve this Resolution was made by Councilmember \_\_\_\_\_ and seconded by \_\_\_\_\_ and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor	_____
Robert Raymond, Vice-Mayor	_____
Jo List	_____
Alan Mandel	_____
Joe Kosinski	_____

ADOPTED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: \_\_\_\_\_  
Larry Kiker, Mayor

Approved as to legal sufficiency:

Attest:

By: \_\_\_\_\_  
Town Attorney

By: \_\_\_\_\_  
Michelle D. Mayher, Town Clerk

Affidavit of Public Notice

Before the undersigned authority, personally appeared Dixie Nelson, who being first sworn, hereby states as follows:

1. I am the Operations Manager for AVR, Inc., a Florida corporation, which is a contractor to Woodard and Curran (W & C).
2. W&C is under contract with the Town of Fort Myers Beach Public Works Services, Inc. (PWSI), to provide Operations and Maintenance Services to the Town water utility.
3. As contractor to W & C, AVR, Inc. is responsible for billing all PWSI utility customers on a monthly basis and maintain current billing addresses for such customers for this purpose.
4. In my official capacity as Operations Manager I received from W & C the Notice of Public Hearing (attached to this Affidavit as Exhibit A) regarding the proposed rate increase, with instructions to include a copy of the Notice in the billing mailed to each customer of the water utility through the utility's billing process for the service period from August 25, 2011 to September 18, 2011.
5. This notice was included in all billings mailed to customers in the normal course of business. Such billings were mailed on October 3, 2011.

Dixie Nelson  
Dixie Nelson

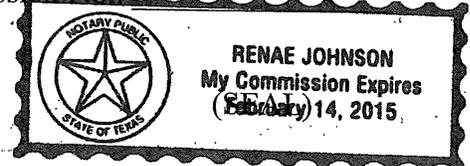
Sworn to and subscribed before me this 3<sup>rd</sup> day of October, 2011 by

Dixie Nelson, personally known to me or who has produced NA as identification.

Dixie Nelson  
Print Name: Dixie Nelson

Notary Public -  
817 3403  
Commission No.

My Commission Expires: 2/14/2015



TOWN OF FORT MYERS BEACH, FLORIDA  
NOTICE OF INTENT TO HOLD HEARING TO CONSIDER AN INCREASE IN WATER UTILITY RATES  
PURSUANT TO PETITION FILED BY TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT ON THE 7<sup>TH</sup> OF NOVEMBER, 2011, AT 9:00 A.M. IN THE COUNCIL CHAMBERS AT TOWN HALL, 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931, the Town Council of the Town of Fort Myers Beach, Florida will consider approval of a Resolution to increase Town potable water rates by an amount that is equal to the increase in the wholesale (bulk) water tariff adopted by Lee County in Lee County Resolution 11-08-26. This rate increase was proposed by PWSI in its Petition for Rate Adjustment, filed with the Town on September 26, 2011. The captioned title of the proposed Town Resolution is as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH APPROVING THE PETITION OF THE TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC. FOR AN ADJUSTMENT IN WATER CHARGES TO WATER UTILITY CUSTOMERS OF THE TOWN OF FORT MYERS BEACH TO INCREASE RETAIL POTABLE WATER RATES IN AN AMOUNT THAT IS EQUAL TO THE LEE COUNTY WHOLESALE WATER RATE INCREASES THAT HAVE BEEN APPROVED BY LEE COUNTY; PROVIDING AN EFFECTIVE DATE.

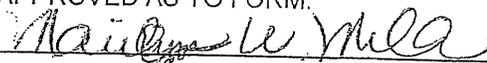
1. Copies of this Notice and the Proposed Resolution are on file with the Town Clerk, Town Hall, Second Floor, 2523 Estero Boulevard, Fort Myers Beach, FL 33931. The public may inspect or copy the Resolution and all other official documents with regard to this matter during regular business hours at Town Hall.
2. Interested parties may appear at the hearing in person or through counsel, and may be heard with respect to the adoption of the proposed Resolution.
3. Any rate payer affected by this Petition may protest the proposed rate increase by filing a written protest with the Town Manager prior to or at the hearing of the Town Council and registering such protest.
4. Anyone wishing to appeal the decision(s) made by the Town Council with respect to any matter considered at this hearing 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.
5. The Resolution shall take effect immediately upon its adoption by the Town Council at the public hearing. However, in the event that the Town Council approves an increase in the Town water rates, such increase will take effect on November 9, 2011.
6. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Town Manager at (239) 765-0202 for information.

The text of this Notice is in conformance with relevant sections of Florida Statute and other relevant sections of Florida law.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA

BY:   
MICHELLE D. MAYHER, TOWN CLERK

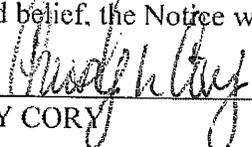
APPROVED AS TO FORM:

  
TOWN ATTORNEY

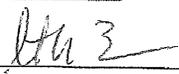
Affidavit of Public Notice

Before the undersigned authority, personally appeared Christy Cory, who being first sworn, hereby states as follows:

1. I am the Business Office Manager for Woodard and Curran, Inc., a Florida corporation (W&C);
2. W&C is under contract with the Town of Fort Myers Beach Public Works Services, Inc. (PWSI), to provide Operations and Maintenance Services to the Town water utility;
3. as part of its services to PWSI, W & C is responsible for billing all PWSI utility customers on a monthly basis;
4. W & C contracts this billing obligation to AVR, Inc., a Florida Corporation;
5. in my official capacity as Business Officer Manager, I received from PWSI the Notice of Public Hearing (attached to this Affidavit as Exhibit A) regarding a proposed rate increase and forwarded same on to AVR on September \_\_, 2011 with instructions to AVR to include a copy of the Notice in the billing mailed to each customer of the water utility through the utility's billing process for the service period from August \_\_, 2011 to September \_\_, 2011;
6. to the best of my knowledge and belief, the Notice was so included by AVR.

  
CHRISTY CORY

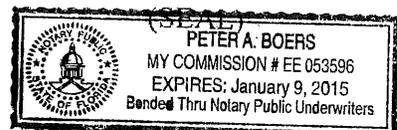
Sworn to and subscribed before me this 10<sup>th</sup> day of October, 2011 by Christy Cory, personally known to me or who has produced FL DL. LIC. as identification.

  
Print Name: PETER A. BOERS

Notary Public - State of Florida

Commission No.: EE 053596

My Commission Expires: JAN 9, 2015



TOWN OF FORT MYERS BEACH, FLORIDA  
NOTICE OF INTENT TO HOLD HEARING TO CONSIDER AN INCREASE IN WATER UTILITY RATES  
PURSUANT TO PETITION FILED BY TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT ON THE 7<sup>TH</sup> OF NOVEMBER, 2011, AT 9:00 A.M. IN THE COUNCIL CHAMBERS AT TOWN HALL, 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931, the Town Council of the Town of Fort Myers Beach, Florida will consider approval of a Resolution to increase Town potable water rates by an amount that is equal to the increase in the wholesale (bulk) water tariff adopted by Lee County in Lee County Resolution 11-08-26. This rate increase was proposed by PWSI in its Petition for Rate Adjustment, filed with the Town on September 26, 2011. The captioned title of the proposed Town Resolution is as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH APPROVING THE PETITION OF THE TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC. FOR AN ADJUSTMENT IN WATER CHARGES TO WATER UTILITY CUSTOMERS OF THE TOWN OF FORT MYERS BEACH TO INCREASE RETAIL POTABLE WATER RATES IN AN AMOUNT THAT IS EQUAL TO THE LEE COUNTY WHOLESALE WATER RATE INCREASES THAT HAVE BEEN APPROVED BY LEE COUNTY; PROVIDING AN EFFECTIVE DATE.

1. Copies of this Notice and the Proposed Resolution are on file with the Town Clerk, Town Hall, Second Floor, 2523 Estero Boulevard, Fort Myers Beach, FL 33931. The public may inspect or copy the Resolution and all other official documents with regard to this matter during regular business hours at Town Hall.

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

3. Any rate payer affected by this Petition may protest the proposed rate increase by filing a written protest with the Town Manager prior to or at the hearing of the Town Council and registering such protest.

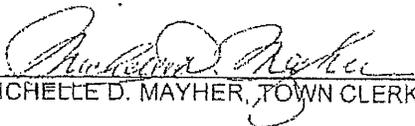
4. Anyone wishing to appeal the decision(s) made by the Town Council with respect to any matter considered at this hearing will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

5. The Resolution shall take effect immediately upon its adoption by the Town Council at the public hearing. However, in the event that the Town Council approves an increase in the Town water rates, such increase will take effect on November 9, 2011.

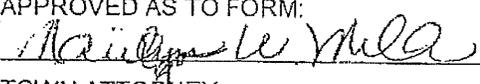
6. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Town Manager at (239) 765-0202 for information.

The text of this Notice is in conformance with relevant sections of Florida Statute and other relevant sections of Florida law.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA

BY:   
MICHELLE D. MAYHER, TOWN CLERK

APPROVED AS TO FORM:

  
TOWN ATTORNEY

RESOLUTION NUMBER 11-03 –U

RESOLUTION OF THE TOWN OF FORT MYERS BEACH  
PUBLIC WORKS SERVICES, INC.  
A FLORIDA NOT FOR PROFIT CORPORATION  
APPROVAL OF REQUEST FOR HEARING ON PETITION FOR RATE ADJUSTMENT AND  
RELATED MATTERS

WHEREAS, the Town of Fort Myers Beach Public Works Services, Inc., Board of Directors has convened on September 26, 2011, following proper notice as required by its Articles of Incorporation, By-laws, and as further required by Florida Statute; and

WHEREAS, there was a proper quorum for transaction of corporate business at the aforesaid meeting; and

WHEREAS, the Board of Directors of the Town of Fort Myers Beach Public Works Services, Inc. reviewed its Request for Hearing on Petition for Rate Adjustment to request a hearing before the Town Council of the Town of Fort Myers Beach to occur on November 7, 2011 at 9:00 AM regarding the aforesaid Petition and also to authorize staff to incur the costs to notify the utility customers thereof in accordance with the requirements of Florida State Statute; and

WHEREAS, a proper Motion was duly made and seconded regarding approval of the Request for Hearing and expenditure of funds to comply with legal notice requirements;

WHEREAS, a vote was duly taken upon the aforesaid Motion.

IT IS HEREBY RESOLVED BY THE PUBLIC WORKS SERVICES, INC. OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

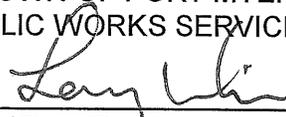
SECTION ONE: Request for Hearing. The Request for Hearing which is attached to this Resolution as Exhibit "A" and hereby incorporated by reference is hereby approved and the corporate attorney is directed to file it forthwith with the Town Clerk on behalf of the Town.

SECTION TWO: Approval of Expenditures. Staff is hereby directed to expend the funds necessary to comply with Florida State Statute regarding notification to utility customers regarding the aforesaid hearing.

SECTION THREE: Effective Date. This resolution shall become effective immediately upon adoption.

The foregoing resolution was adopted by The Town of Fort Myers Beach Public Works Services, Inc. on September 26, 2011.

THE TOWN OF FORT MYERS BEACH  
PUBLIC WORKS SERVICES, INC.

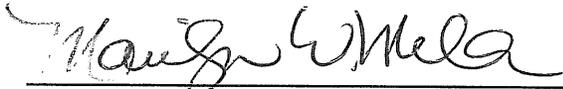


\_\_\_\_\_  
Larry Kiker, President

Attest:

  
\_\_\_\_\_  
Jo List, Secretary

Approved as to Legal Sufficiency:



\_\_\_\_\_  
Corporate Attorney

**EXHIBIT "A"**  
**TOWN OF FORT MYERS BEACH**  
**PUBLIC WORKS SERVICES INC.**  
**PETITION FOR RATE ADJUSTMENT**

The Town of Fort Myers Beach Public Works Services, Inc. (PWSI or Petitioner), a Florida not-for-profit Florida Corporation, by and through its undersigned attorney, presents this Petition For Rate Adjustment to the Town Council of the Town of Fort Myers, on this 26<sup>th</sup> day of September, 2011, and in support thereof states as follows:

**I. INTERLOCAL AGREEMENT BETWEEN LEE COUNTY, FLORIDA AND TOWN OF FORT MYERS BEACH, FLORIDA FOR PROVISION OF BULK WATER SERVICES**

1. The Town of Fort Myers Beach, Florida (Town) entered into an Agreement for Sale and Purchase of Potable Water with Lee County, a subdivision of the State of Florida (County), on August 3, 2001, pursuant to which the County supplies wholesale (bulk) water and related services to the Town for a fee (Interlocal Agreement).
2. The Interlocal Agreement provides in paragraph 3.1 that the County may, from time to time, increase the rate charged for cost of bulk water provided to the Town.

**II. LEE COUNTY INCREASE IN RATE CHARGED FOR WHOLESALE WATER SERVICES TO TOWN OF FORT MYERS BEACH**

3. The County commissioned a Water and Wastewater Rate and Connection Fee Study from Public Resources Management Group, Inc., which was presented to Lee County on June 22, 2011.
4. After reviewing the Study, the Board of County Commissioners of Lee County on August 9, 2011, approved Resolution No. 11-08-26 providing for adjusted rates and charges related to the Lee County Water and Sewer System (Resolution). A true and correct copy of said Resolution is attached hereto as Exhibit "A" and hereby incorporated by reference.
5. Section Six (J). of Lee County Resolution No. 11-09-26 sets the applicable rate for wholesale water services at three dollars and forty six cents (\$3.46) per one thousand (1,000) gallons, effective October 1, 2011; three dollars and sixty seven cents (\$3.67),

- effective October 1, 2012; three dollars and seventy five cents (\$3.75) effective October 1, 2013; three dollars and eighty four cents (\$3.84) effective October 1, 2014.
6. Section Six (J) of Lee County Resolution No. 11-09-26 sets a percentage increase to the wholesale water rates each and every year effective October 1, through October 1, 2014, with an annual review and approval by the Lee County Board of County Commissioners.
  7. Section Seven of the Resolution states that changes in rates, charges, and fees will be implemented in the first Division of Lee County Utilities billing period subsequent to October 1, 2011.
  8. The County notified the Town on or about August 23, 2011 regarding the implementation of the above County rate increase as to the wholesale water rate for the Town, which takes effect on October 1, 2011.
  9. Pursuant to Addendum #1 to Agreement for Sale and Purchase of Potable Water By and Between Lee County, Florida and the Town of Fort Myers Beach, Section 3.1 the County will provide the Town with at least ninety (90) days actual prior notice, with back-up documentation, of any proposed adjustments in the County-wide Wholesale Potable Water Rate making the effective date November 9, 2011

**III. FRANCHISE AGREEMENT BETWEEN TOWN OF FORT MYERS BEACH AND TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC.**

10. On May 7, 2001, the Town of Fort Myers Beach, Florida (Town) granted PWSI an exclusive right, privilege and franchise to construct, maintain, equip and operate a water supply and distribution system and to provide a water utility service within the Town's Service Area, as set forth in Section three (3) of Town Ordinance 01-03, Water Utility Franchise Agreement (Franchise Agreement) as Amended with Ordinance 08-06.
11. Section 8(b) of the Franchise Agreement provides that PWSI may file an application for rate and charge adjustments in the form of a Petition for Rate Adjustment with supporting documentation at least thirty days prior to the proposed effective date for the adjustment.
12. Section 8(c) of the Franchise Agreement provides that the Town Council has the jurisdiction to review, consider and approve rates and charges prior to their implementation.

13. Section 8(e) of the Franchise Agreement provides that the Town Council shall hold at least one public hearing after due public notice prior to approval of any adjustments to rates and charges. Action shall be taken by resolution and shall constitute final agency action.
14. Section 9 of the Franchise Agreement provides that any rate payer of PWSI may protest a proposed rate or charge by filing a written protest with the Town Manager prior to or at the hearing or by appearing at the hearing of the Town Council and registering such protest.

#### **IV. PETITION FOR RATE HIKE**

15. As set forth above, Lee County is increasing its charge for wholesale water services to the Town from \$3.20 per thousand gallons to \$3.46 per thousand gallons, effective November 9, 2011, which is an increase of twenty-six (26) cents per thousand gallons.
16. The current rate charged by PWSI to its customers is Block 1 \$4.80, Block 2 \$5.80, Block 3 \$6.80, and Block 4 \$7.80 per thousand gallons of water.
17. The purpose of this Petition is to request a rate increase in the amount of twenty-six (26) cents per one thousand (1,000) gallons in Block 1 through 4. This adjustment represents a direct pass-through of the County increase in the bulk water rate, as set forth in the Resolution.
18. If this adjustment is not made, PWSI will be required to pay the difference between the former rate and the increase charged by Lee County, effective November 9, 2011. This would require PWSI to deplete its capital reserves at a time when PWSI is considering major capital improvements as well as significant repairs to the existing infrastructure of the water utility.
19. PWSI is requesting that the rate hike, if granted, take effect on November 9, 2011 in accordance with Section 8 (b) of the Franchise Agreement.

WHEREFORE, Petitioner PWSI requests that the Town Council of the Town of Fort Myers Beach:

- (1) Set a Public Hearing as may be required by Town Ordinance and/or applicable state statute to hear this Petition;
- (2) Approve its Petition for a Rate Hike via Town Resolution; and
- (3) Authorize Petitioner to take all steps necessary to implement such rate hike.

Respectfully submitted on this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by:

BY: \_\_\_\_\_  
Marilyn Miller, Fowler, White Boggs  
PWSI Corporate Attorney

EXHIBIT "A"

(Lee County Resolution No. 11-08-26)

EXHIBIT ( A

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,

5:00 PM  
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
<b>Residential Service:</b>				
Administrative Charge (Per Bill)	\$2.90	\$3.13	\$3.28	\$3.43
<b>Monthly Service Charge (Per Unit/Lot):</b>				
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
<b>Metered User Charge</b>				
(Per 1,000 Gallons) [1]	\$4.95	\$5.35	\$5.59	\$5.85
<b>Unmetered User Charge (Per Unit/Lot) [2]:</b>				
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.

		<b>Wastewater Commercial &amp; Non-Residential Service Charges</b>			
		<b>Effective Date</b>			
		<b>10/1/2011</b>	<b>10/1/2012</b>	<b>10/1/2013</b>	<b>10/1/2014</b>
<b>Commercial &amp; Non-Residential Service:</b>					
<b>Monthly Service Charge (Per Metered Account)[1]:</b>					
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
<b>Metered User Charge (Per 1,000 Gals)</b>		<b>\$4.95</b>	<b>\$5.35</b>	<b>\$5.59</b>	<b>\$5.85</b>

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
<b>Residential Service:</b>				
<b>Administrative Charge (Per Bill)</b>	\$3.10	\$3.29	\$3.36	\$3.44
<b>Monthly Service Charge (Per Unit/Lot):</b>				
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
<b>Usage Charge (Per 1,000 Gallons) [1]:</b>				
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
<b>Usage Block Ranges [2]:</b>				
	Single-Family	Multi-Family	Mobile Home	R.V.
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
<b>Commercial &amp; Non-Residential Service:</b>					
<b>Monthly Service Charge (Per Metered Account)[1]:</b>					
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
<b>User Charge (Per 1,000 Gallons) [2]</b>					
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
<b>User Charge – Non-Irrigation (Per 1,000 Gals)</b>		\$3.10	\$3.29	\$3.36	\$3.44
<b>User Charge – Irrigation (Per 1,000 Gallons) [3]</b>					
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).
- 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.

	<u>Reclaimed Water Service Charges</u>			
	<u>Effective Date</u>			
	<u>10/1/2011</u>	<u>10/1/2012</u>	<u>10/1/2013</u>	<u>10/1/2014</u>
<b>Reclaimed Water Service:</b>				
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:

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

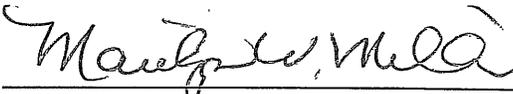
APPROVED AS TO FORM:

By: [Signature]  
Office of County Attorney

**TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC.  
REQUEST FOR HEARING ON PETITION FOR RATE ADJUSTMENT**

The Town of Fort Myers Beach Public Works Services, Inc. (PWSI or Petitioner), a Florida not-for-profit Florida Corporation, by and through its undersigned attorney, hereby requests that its Petition For Rate Adjustment to the Town Council of the Town of Fort Myers Beach, filed on the 26th day of September, 2011, be set for a hearing on the 7<sup>th</sup> of November, 2011 at 9:00AM

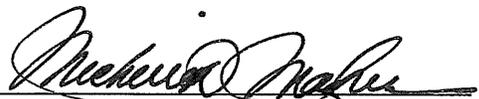
Respectfully submitted on this 26th day of September, 2011 by:

BY:   
Marilyn Miller, Fowler White, Bogg  
PWSI Corporate Attorney

ACCEPTANCE OF THIS REQUEST FOR HEARING ON PETITION FOR RATE ADJUSTMENT ON BEHALF OF THE TOWN OF FORT MYERS BEACH, FLORIDA IS ACKNOWLEDGED BY MICHELLE D. MAYHER, TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH, FLORIDA ON THIS 26<sup>th</sup> DAY OF September, 2011.

  
MICHELLE D. MAYHER, TOWN CLERK

BY SIGNING BELOW, MICHELLE D. MAYHER, TOWN CLERK, STATES THAT SHE HAS FURNISHED COPIES OF THIS REQUEST FOR HEARING TO THE TOWN COUNCIL AND TOWN MANAGER FOR THE TOWN OF FORT MYERS BEACH, FLORIDA ON THIS 26TH DAY OF SEPTEMBER 2011

  
MICHELLE D. MAYHER, TOWN CLERK

TOWN OF  
FORT MYERS BEACH

LINDA & TOM COBB

OCT 14 2011

RECEIVED BY

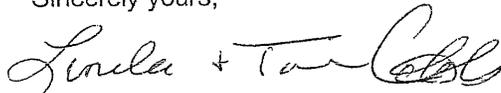
October 7, 2011  
Terrance Stewart  
Town Manager  
2523 Estero Blvd.  
Ft. Myers Beach, FL 33931

Dear Mr Stewart,

Please consider this letter as our written protest of the proposed water rate increase to be considered at the November 7th meeting.

The basis of this protest is the money collected by the water company for sewer usage where no usage occurs. Case in point. We are away for the summer months and our home is closed up. The only water usage is to keep the pool filled. When water is used there is no sewer usage however we are still charged for the sewer based on the number of gallons of water used. So we are faced with paying to use the sewer while not actually using the sewer. In fairness there should be some minimum sewer charge but certainly not based on the water usage when the home is not occupied. Until such time a provision is made to mitigate the sewer costs when nothing is put in the sewer we are protesting any increase in water usage fees.

Sincerely yours,

  
LINDA & TOM COBB