

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 08-03A

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 A RATE INCREASE IN WATER CHARGES TO TOWN UTILITY CUSTOMERS TO PASS ALONG LEE COUNTY BULK WATER RATE INCREASES; PROVIDING FOR 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 established the relationship between the Town and the Town of Fort Myers Beach Public Works Services, Inc. (PWSI) with regard to provision of the Town's water supply and distribution system and the provision of the Town's water utility service and further states that the Town Council shall have the jurisdiction to review, consider and approve rates and charges with regard to the Town's water supply and distribution system; and

WHEREAS, the measures set forth in Town Ordinance 01-03 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 24, 2007, as permitted by Town Ordinance 01-03; 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 on January 14, 2008, at 5:00 pm; and

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

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 Hike. The Town Council of the Town of Fort Myers Beach hereby grants a rate increase in the amount of seventy-four (74) cents per one thousand (1,000) gallons for all customers of PWSI, as requested in the Petition. This adjustment represents a direct pass-through of the County increase in the bulk water rate, 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 will be three dollars and ninety-one (\$3.91) cents per one thousand (1,000) gallons for all customers of PWSI.

Section 4. Effective Date. This Resolution shall take effect on February 1, 2008.

A motion to approve this Resolution was made by Councilmember Acken and seconded by Vice Mayor Kiker, and upon being put to a vote, the result was as follows:

Dennis C. Boback, Mayor	<u>aye</u>
Larry Kiker, Vice Mayor	<u>aye</u>
Herb Acken	<u>aye</u>
Charles R. Meador, Jr.	<u>aye</u>
William Shenko, Jr.	<u>aye</u>

ADOPTED ON THE 14th DAY OF JANUARY, 2008.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to legal sufficiency:

ATTEST:

By: 
Anne Dalton, Esquire
Town Attorney

By: 
Michelle D. Mayher, Town Clerk