

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

Blue Sheet No. 20020725

1. REQUESTED MOTION:

ACTION REQUESTED: Request Board 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 2002; approve the proposed Resolution setting the annual special assessments and fees for the 2002 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 2002 tax year and each year thereafter by the terms of the Resolution.

WHY ACTION IS NECESSARY: Lee County Ordinance Nos. 00-20 and 95-20, both as amended, require that the annual Solid Waste Collection and Disposal Special Assessments, rates and fees be adopted on or before July 30th of each year. To meet this requirement, the Board is being requested to set the rates and charges, and direct the special assessments to be laced onto the Lee County tax bill for 2002 and each year thereafter by the terms of the Resolution.

WHAT ACTION ACCOMPLISHES: Complies with the requirements of Lee County Ordinance Nos. 00-20 and 95-20, both as amended, establishes the annual special assessments, rates and fees for the Mandatory Solid Waste Collection and Disposal Program, and directs the placement of the solid waste assessments onto the Lee County tax bill for collection by the Lee County Tax Collector per Section 197.3632, Florida Statutes, for the 2002 tax year.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT # CW 5100 #9	3. MEETING DATE: 07-09-2002
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4. AGENDA:	5. REQUIREMENT/PURPOSE: (Specify)	6. REQUESTOR OF INFORMATION:
<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> STATUTE 125.01 & 197.3632, FS	A. COMMISSIONER
<input type="checkbox"/> ADMINISTRATIVE	<input checked="" type="checkbox"/> ORDINANCE 00-20, 95-20, as amended	B. DEPARTMENT Public Works
<input type="checkbox"/> APPEALS	<input checked="" type="checkbox"/> ADMIN. CODE 12-D-18.003-006, F.A.C.	C. DIVISION Solid Waste
<input checked="" type="checkbox"/> PUBLIC	<input type="checkbox"/> OTHER	BY: Lindsey Sampson, P.E., Director <i>Lindsey J. Sampson</i>
<input type="checkbox"/> WALK ON		
<input type="checkbox"/> TIME REQUIRED:		

7. BACKGROUND:
On December 17, 1986, the Board of County Commissioners adopted Resolution No. 86-12-11, originally establishing annual special assessments and rates for the Lee County Mandatory Solid Waste Collection and Disposal Program pursuant to the provisions contained in Ordinance No. 86-14, now amended and restated by Ordinances 00-20 and 95-20, both as amended.

(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>	N/A	N/A	N/A	<i>[Signature]</i> 6/18/02	OA	PM	RISK	GC	<i>[Signature]</i> 6-20-02
					6/18/02	6/18/02	6/19/02	6/18/02	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN. *PM*
6/18 335
COUNTY ADMIN.
FORWARDED TO: *PS*
6/26/02 10:00 am

CO. ATT'D 6/18/02
FORWARDED TO CO. ADMIN.
5:40 pm

Blue Sheet #: 20020725

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Subject: SOLID WASTE COLLECTION & DISPOSAL PROGRAM SPECIAL ASSESSMENTS

BACKGROUND - CONTINUED

With the Board of County Commissioners' authorization for the adoption of the County's Fiscal Year 2002/03 and tax year 2002 Mandatory Solid Waste Collection Program, it is now appropriate that the annual special assessments, rates and fees for the Solid Waste Collection Program be established for the tax year 2002.

On December 23, 1997, the Board of County Commissioners adopted Lee County Resolution No. 97-12-23, indicating 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 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. 00-20, AND LEE COUNTY ORDINANCE NO. 95-20, BOTH 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 2002 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. 00-20 and Lee County Ordinance No. 95-20, both 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's providing of 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. 00-20 and Lee County Ordinance No. 95-20, both 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, 2002 to September 30, 2003; 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 2002 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 2002-2003 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. 00-20 and Lee County Ordinance No. 95-20, both 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. 00-20 and Lee County Ordinance No. 95-20, both 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 and Fort Myers Beach Area	\$196.99	\$ 7.48
Service Area 1a.	Captiva	\$191.15	\$ 6.99
Service Area 2.	South Fort Myers Area	\$197.35	\$ 7.51
Service Area 3.	East Lee County Area	\$198.91	\$ 7.64
Service Area 4.	North Fort Myers Area	\$200.23	\$ 7.75
Service Area 5.	Pine Island Area	\$221.23	\$ 9.50
Service Area 6.	Boca Grande Area	\$163.86	\$10.68

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 (the billing charge of \$2.50 per account is funded by another source and is not added):

- 1) Incorporated Residential (per unit) \$ 30.12
- 2) Multi-family Residential (per unit) \$ 18.82
- 3) Recreational Vehicle (RV) Parks
(per lot) \$ 5.88
- 4) Business and Institutions:

Category

A	\$.006635	per square ft.
B	\$.022659	per square ft.
C	\$.038671	per square ft.
D	\$.141415	per square ft.
E	\$.282831	per square ft.

5) MSTU (Cape Coral) Millage .3714 mills

c) The disposal rates for the Lee County Disposal Facilities are hereby adopted as follows:

MSW Disposal Tipping (Gate) Fee (including surcharges)	\$54.94 per ton
C & D Disposal Tipping (Gate) Fee	\$54.94 per ton
Tire Disposal Tipping (Gate) Fee	\$22.00 - \$130.00 per ton
Lee County Surcharges (unincorporated franchisees, individual customers, the Town of Fort Myers Beach and the City of Bonita Springs)	\$ 6.79 per ton

d) The annual special assessment rates and charges for the Lee County Mandatory Garbage and Solid Waste Program for the "Outer Islands" Service Area (Service Area 7.), which includes all administrative fees, are hereby adopted as follows:

OUTER ISLANDS SERVICE AREA
(Service Area 7.)

1) Residential

Category:

R1	\$604.00 per unit
R2	\$302.00 per unit

2) Businesses and Institutions

Category:

C1	\$29,306.50 per unit
C2	\$16,746.57 per unit
C3	\$ 9,210.61 per unit

SECTION THREE

The rates and fees in Section Two 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, the Town of Fort Myers Beach and City of Bonita Springs residential properties.

SECTION FOUR

The effective dates for the above adopted rates and fees shall be from October 1, 2002 to September 30, 2003.

SECTION FIVE

Pursuant to Lee County Resolution No. 97-12-23 (incorporated herein in its entirety by reference), the Board hereby directs that the 2002-2003 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 2002 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 _____
ANDREW COY _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED this ____ day of _____, 20__.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney