

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA ITEM SUMMARY** **BLUE SHEET NO: 20021116-UTL**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Approve Resolution amending Division of Lee County Utilities Operations Manual specifying that if final 50% payment for water and sewer connection fees is made within five years of the first payment, connection fees for the remaining 50% will be paid at the applicable connection fee rates in effect at the time the first 50% fees were paid. If final payment is made five or more years after first payment; if the Developer requests an Amendment to the Development Order; or, a request for additional flow/capacity which results in additional ERU's being served, the additional ERU's connection fee would be based on the applicable connection fees in effect at the time of Amendment approval.

**WHY ACTION IS NECESSARY:**

To allow Developers to fix water and sewer connection fee rates for five years after initial 50% payment. This allows the Developer and the Utility to budget based on known applicable connection fee schedules. Future rate ordinances would not apply to the last 50% payment unless payment was made five years after the first 50% payment, or Developer requests an amendment to the Development Order, or makes a request for additional flow/capacity which results in additional ERU's being serviced.

**WHAT ACTION ACCOMPLISHES:**

Allows Lee County Utilities to incorporate and implement amendment into the Lee County Utilities Operations Manual.

**2. DEPARTMENTAL CATEGORY: 10 - UTILITIES**  
**COMMISSION DISTRICT #: CW**

*C10A*

**3. MEETING DATE:** *10-22-2002*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: \_\_\_\_\_

**5. REQUIREMENT/PURPOSE:**

- (Specify)*
- STATUTE \_\_\_\_\_
  - ORDINANCE \_\_\_\_\_
  - ADMIN. CODE \_\_\_\_\_
  - OTHER Res. \_\_\_\_\_

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER: \_\_\_\_\_
- B. DEPARTMENT: *Lee County-Public Works*
- C. DIVISION/SECTION: *Utilities Division*
- BY: *Rich Diaz, Utilities Director*

DATE: *10/4/02*

**7. BACKGROUND:**

The Lee County Board of County Commissioners has in past years approved Ordinances 77-8, 79-5 and 83-18, which includes requirements that wastewater connection fees be paid prior to connection to the sewer system. These ordinances

(CONT'D.)

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL**

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: <i>10-7-02</i>	N/A Date:	N/A Date:		<i>D. Owen</i> Date: <i>10/8/02</i>	<i>P.M.</i> <i>10/8/02</i>	<i>10/9/02</i>	<i>10/10/02</i>	<i>10/9/02</i>	<i>J. Lavender</i> Date: <i>10-7-02</i>

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

**Rec. by County**  
 Date: *10/8/02*  
 Time: *1:59 pm*  
 Forwarded To: \_\_\_\_\_  
*10/8/02 2:45 pm*

**RECEIVED BY  
 COUNTY ADMIN. PM**  
*10/8 4:25*  
**COUNTY ADMIN.  
 FORWARDED TO:**  
*10/10 10:00*

addressed wastewater requirements for the Ft. Myers Beach Sewer District, the East Lee County Sewer System and the Matlacha Sewer System.

On June 7, 1989, the Lee County Board of County Commissioners approved Resolution 89-06-06 which included statements regarding payment of connection fees consistent with the policy established in the above-cited Ordinances.

On November 13, 1996, the Lee County Board of County Commissioners approved Resolution 96-11-15, updating the Utilities Operations Manual, which provided for clarification that all connection fees should be paid prior to commitments being made to provide service.

On October 13, 1998, the Lee County Board of County Commissioners approved Resolution 98-10-15, (pertaining to the Matlacha service area) which included statements almost verbatim to Resolution 89-06-06.

On April 6, 1999, the Lee County Board of County Commissioners approved Resolution 99-04-02, updating the Utilities Operations Manual, requiring projects to pay 50% of the applicable connection fees at the time the County is asked to commit capacity to provide service for the project. The remaining 50% fee is to be paid at the time the constructed assets are contributed to LCU for operation and maintenance. LCU's commitment to service is limited to two years unless payment of the remaining 50% is received.

On February 29, 2000, the Lee County Board of County Commissioners approved Resolution 00-02-62, updating the Utilities Operations Manual, to update the rules and regulations pertaining to customer service and billing.

On July 9, 2002, the Lee County Board of County Commissioners approved Resolution 02-07-44 establishing new water and sewer connection fee schedules effective October 1, 2002. These new connection fee schedules increase the water and sewer connections for the first time since March 30, 1994. This new Resolution defines which water and sewer connection fee schedules are in effect for current Developers who have paid 50% of their project's connection fees prior to October 1, 2002. Resolution also applies to Developers who will prepay connection fees in the future.

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY RESOLUTION NO. 99-04-02 AS AMENDED, SECTIONS 1.2A, AND 2.4B OF THE LEE COUNTY UTILITIES OPERATIONS MANUAL FOR WATER, SANITARY SEWER, AND EFFLUENT REUSE; PROVIDING FOR RATE RESERVATION PERIOD FOR WATER AND SEWER PREPAID CONNECTIONS FEES.

WHEREAS, the Board of County Commissioners ("Board") is the governing body in and for Lee County, a political subdivision and Charter County of the State of Florida; and,

WHEREAS, on June 19, 1996, the Board adopted Lee County Resolution No. 96-06-36 relating to the adoption of an updated Lee County Utilities Operations Manual; and,

WHEREAS, the Operations Manual has been previously amended by Resolutions 96-11-15; 99-04-02; 00-02-62; and,

WHEREAS, the Board finds that amending Section 1.2A and 2.4B for Obtaining Water and Sewer Service, of the Lee County Utilities Operations Manual to define rate reservation periods for prepaid water and sewer connection fees serves a public purpose; and,

WHEREAS, the Board now wishes to further amend and modify the terms and conditions of the Lee County Utilities Operations Manual.

NOW THEREFORE, BE IT RESOLVED by the Board of Lee County Commissioners that:

1. The Division of Lee County Utilities Operations Manual as previously adopted by the Board in Resolution No. 96-06-36 as amended by Resolution No. 96-11-15, Resolution No. 99-04-02 and Resolution 00-02-62 is hereby amended as follows:

SECTION 1.2A:

1.2 REQUESTS FOR SERVICE

A. Domestic Water Service Within The Service Limits of County

1. To obtain domestic water service from a direct tap into an existing distribution main, application should be made at the Lee County Utilities Office. The applicant should make sure that the name of the customer, the street address and legal description of the property to which service is to be rendered are correctly entered upon the contract or agreement for service. When feasible, the applicant should determine whether the property to be served is adjacent to the County's distribution system before making application for service.

A customer first requesting water service for such a property is required to pay a tap-in fee or drop-in fee to defray installation costs and a connection fee based on meter size or type of service. Other fees may also be required. Water Commitment Letters required for building permit purposes will only be issued after all applicable fees are paid. Additional services to the same property may also be obtained upon payment of required fees.

2. To obtain domestic water service for projects not served directly from an existing distribution main and involving construction of developer contributed utility infrastructure, application should be made at the Lee County Utilities (LCU) office. The applicant should make sure that the name of the customer, the street address and legal description of the property to which service is to be rendered are correctly entered upon the contract or agreement for service.

A customer requesting water service for such a property is required to pay a tap-in fee or drop-in fee to defray installation costs and a connection fee based on meter size(s) or type(s) of service. Other fees may also be required.

Such projects are required to pay 50% of the applicable connection fees at the time the County is asked to commit capacity to provide service for the project by signing the FDEP and Health Department permit applications. The remaining 50% is to be paid at the time the constructed assets are contributed to LCU for operations and maintenance. LCU's commitment to provide service is limited to two years unless payment of the remaining 50% for the connection fees is made within this same two-year period. If the final 50% payment is made within five years of the first payment, connection fees for the remaining 50% will be paid at the applicable connection fee rates in effect at the time the first 50% were paid. If the final payment is made five or more years after the date of the first payment, the water and

sewer connection fee rates will be the applicable rates in effect at the time of final payment. If the Developer requests an Amendment to the Development Order or a request for additional flow/capacity which results in additional ERU's being served, the additional ERU's connection fee payment will be based on the applicable connection 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 fees.

A refund of up to 90% of the amount paid for connection fees may be made if the customer determines the project is not going to be constructed and commitment for capacity to serve the project is no longer needed. Application for such refund must be made prior to expiration of LCU's commitment to provide service. LCU's ability to resell the previously committed capacity will be considered with other factors in determining if such a refund will be made.

A customer shall have the right to make a full assignment of reserved system capacity or partial assignment of reserved system capacity as obtained by payment of connection fees. Such assignment shall not be made without the written consent of LCU first having been obtained, and such consent shall not be unreasonably withheld. Such assignment shall not be approved by LCU if the proposed assignment shifts the reserved capacity from one treatment plant to another that does not have sufficient capacity to provide the additional service. When only the initial 50% of the applicable connection fees have been paid, assignment of reserved capacity to another party shall in no way extend the initial two-year reservation of capacity.

Customers developing larger projects in phases are encouraged to provide their longer range plans to LCU so that these plans may be considered as LCU plans to provide for future water system needs. However, when it comes to commitment of capacity, customers developing larger projects are encouraged to phase these projects requesting only system capacities that are likely to be needed within the near future. This practice will help reduce the out-of-pocket connection fee expense and help avoid reaching commitment of total plant capacities earlier than necessary.

3. In cases where a customer tampers with, works on, uncovers, makes connection with, or in any way alters or damages any County main or appurtenance thereto causing the County to remove its service between the meter and the main, an amount equal to the tap-in fee or the actual cost of repair and reconnection, whichever is less, shall be paid, in order to obtain new water service.

## 2.4B

### A. Sewer Service Within The Service Limits of County

1. To obtain sewer service from an existing Lee County Utilities' sewer line, application should be made at the Lee County Utilities Office. The applicant should make sure that the name of the customer, the street address and legal description of the property to which service is to be rendered are correctly entered upon the contract or agreement for service. When feasible, the applicant should determine whether the property to be served is adjacent to Lee County Utilities' collection system.

A customer first requesting sewer service for such a property is required to pay a connection fee based on meter size or type of service in addition to other fees as may be required. Wastewater Commitment Letters required for building permit purposes will only be issued after all applicable fees are paid.

2. To obtain sewer service for projects not served directly from an existing main and involving construction of developer contributed utility infrastructure, application should be made at the Lee County Utilities (LCU) office. The applicant should make sure that the name of the customer, the street address and legal description of the property to which service is to be rendered are correctly entered upon the contract or agreement for service.

A customer requesting sewer service for such a property is required to pay a connection fee based on meter size(s) or type(s) of service. Other fees may also be required.

Such projects are required to pay 50% of the applicable connection fees at the time the County is asked to commit capacity to provide service for the project by signing the FDEP and Health Department permit applications. The remaining 50% is to be paid at the time the constructed assets are contributed to LCU for operations and maintenance. LCU's commitment to provide service is limited to two years unless payment of the remaining 50% for the connection fees is made within this same two-year period. If the final 50% payment is made within five years of the first payment, connection fees for the remaining 50% will be paid at the applicable connection fee rates in effect at the time the first 50% were paid. If the final payment is made five or more years after the date of the first payment, the water and sewer connection fee rates will be the applicable rates in effect at the time of final payment. If the Developer requests an Amendment to the Development Order or a request for additional flow/capacity which results in additional ERU's being served, the additional ERU's

connection fee payment will be based on the applicable connection 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 fees.

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Customers developing larger projects in phases are encouraged to provide their longer range plans to LCU so that these plans may be considered as LCU plans to provide for future wastewater system needs. However, when it comes to commitment of capacity, customers developing larger projects are encouraged to phase these projects requesting only system capacities that are likely to be needed within the near future. This practice will help reduce the out-of-pocket connection fee expense and help avoid reaching commitment of total plant capacities earlier than necessary.

2. This Resolution shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION was offered by Commissioner \_\_\_\_\_, who moved its adoption. The Motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Commissioner Janes: \_\_\_\_\_ (1)
- Commissioner St. Cerny: \_\_\_\_\_ (2)
- Commissioner Judah: \_\_\_\_\_ (3)
- Commissioner Coy: \_\_\_\_\_ (4)
- Commissioner Albion: \_\_\_\_\_ (5)

DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2002.

ATTEST  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

BY: \_\_\_\_\_  
CHAIRMAN

APPROVED AS TO FORM

\_\_\_\_\_  
Office of County Attorney