

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

Blue Sheet No. 20040902

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct public hearing to consider and approve Resolution amending Lee County Resolutions Nos. 90-09-26, 90-09-27, 94-08-05, 96-12-105, 97-09-53, and 01-06-58, relating to the toll structure of the Cape Coral Bridge, Midpoint Memorial Bridge and Sanibel Bridges & Causeway.

**WHY ACTION IS NECESSARY:** Revisions to the Lee County Toll Structure requires approval at a public hearing.

**WHAT ACTION ACCOMPLISHES:** Adopts Resolution implementing revised toll rates for the Sanibel Bridges & Causeway.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 5:00 #2

**3. MEETING DATE:**

08-10-2004

**4. AGENDA:**

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

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE
  - ORDINANCE
  - ADMIN. CODE
  - OTHER Bond Coverage

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION General Services
- BY: Andrea R. Fraser  
Assistant County Attorney

**7. BACKGROUND:**

Lee County was scheduled to close on the 2004A Transportation Facilities Revenue Bonds in January, 2004 for replacement of the Sanibel Bridges. Due to lawsuits filed by the City of Sanibel and the Save Our Bay Group, the 2004A Series were withdrawn from the market. Due to the lawsuits, increased interest rates, increased coverage requirements and increased construction costs, toll rates for the Sanibel Causeway will now require an increase in order to meet debt service coverage and enhance the bond rating.

Memoranda from the County's technical and financial consultants are attached, explaining the need for the proposed toll increase.

**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
N/A	N/A	N/A	N/A	<i>Andrea Fraser</i>	OA	OM	RISK	GC	<i>7-28-04</i>
					<i>7/28/04</i>	<i>7/28/04</i>	<i>7/28/04</i>	<i>7/28/04</i>	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

COUNTY: 7/28/04  
 FORWARDED  
 TO CO. ADMIN.  
 RECEIVED BY: *[Signature]*  
 COUNTY ADMIN: *[Signature]*  
 7/28/04  
 4:40pm SLT  
 COUNTY ADMIN: *[Signature]*  
 FORWARDED TO:  
 7/28/04  
 3:20 PM

LEE COUNTY  
NOTICE OF INTENT TO ENACT A COUNTY RESOLUTION

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 10th day of August, 2004, at 5:00 o'clock, p.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 applicable Florida Statutes. The title of the proposed County Resolution is as follows:

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA; AMENDING LEE COUNTY RESOLUTION NOS. 90-09-26, 90-09-27, 94-08-05, 96-12-105, 97-09-53, AND 01-06-58, RELATING TO THE CAPE CORAL, MIDPOINT MEMORIAL AND SANIBEL TOLL FACILITIES; MODIFY TOLL STRUCTURE; IMPOSING TOLLS ON THE SANIBEL BRIDGE; PROVIDING FOR AN EFFECTIVE DATE.**

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 (2003), 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: 7/28/04 & 8/6/04

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

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA; AMENDING LEE COUNTY RESOLUTION NOS. 90-09-26, 90-09-27, 94-08-05, 96-12-105, 97-09-53, AND 01-06-58, RELATING TO THE CAPE CORAL, MIDPOINT MEMORIAL AND SANIBEL TOLL FACILITIES; MODIFY TOLL STRUCTURE; IMPOSING TOLLS ON THE SANIBEL BRIDGE; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on April 16, 1986, the Board of County Commissioners of Lee County, Florida (the "Board"), enacted Lee County Ordinance No. 86-11, providing for the imposition of tolls on certain bridges and causeways and for the issuance of revenue bonds payable therefrom; and,

WHEREAS, the Board has previously adopted Lee County Resolution Nos. 90-09-26, 90-09-27, 94-08-05, and 01-06-58, which established the toll rates and commuter discount programs for the Sanibel Bridge, Midpoint Memorial Bridge and the Cape Coral Bridge; and,

WHEREAS, the Board, on December 18, 1996, adopted Lee County Resolution No. 96-12-105 which sets forth reduced rates for each one-way trip on the Cape Coral Bridge and the Midpoint Memorial Bridge during off-peak hours when using the Automatic Vehicle Identification System (AVI System) for the duration of the congestion pricing program; and,

WHEREAS, the existing Cape Coral Bridge and the new Midpoint Memorial Bridge were established to function in concert to serve a common transportation corridor between the

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east and west banks of the Caloosahatchee River (collectively, the "Corridor"); and,

WHEREAS, on September 23, 1997, the Board adopted Lee County Resolution No. 97-09-53 extending the term for the use of decals for the discount program; and,

WHEREAS, the Board finds and determines that vehicle class, frequency of use and time-of-day of use are a reasonable ~~bases~~ basis for the classification of its tolls; and,

WHEREAS, the Board now finds it appropriate to further amend the Toll Facilities' Resolutions to better serve the public.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

**SECTION ONE:**

Lee County Resolution Nos. 90-09-26, 90-09-27, 94-08-05, 96-12-105, 97-09-53 and 01-06-58 are hereby amended with language being added indicated by underlining and language being deleted indicated by ~~strike-through~~, as indicated below.

Imposition of Tolls. Commencing on November 1, ~~1997~~ 2004, the following tolls shall be imposed for use of the Bridges.

- a. Except as otherwise provided herein, a toll for each one-way trip on the Cape Coral and Midpoint Memorial Bridges shall be paid in accordance with the schedule set forth below.

<u>Vehicle Class</u>	<u>Toll</u>
Motorcycles	\$ .50
2 axles, 4 tires	1.00
2 axles, 6 tires	1.00
3 axles	2.00
4 axles	3.00
5 axles	4.00
6 or more axles	1.00 per axle

- b. The following commuter discount programs utilizing an AVI device will be available for 2-axle, 4-tire vehicles or 2-axle, 6-tire vehicles only:
- i. An annual discount program utilizing an AVI device may be purchased at a cost of \$40.00 per vehicle or \$20.00 for the second, fourth, sixth, etc., non-commercial vehicle registered to or leased by the same natural person, which when properly installed will entitle such vehicle to use the Cape Coral and Midpoint Memorial Bridges for a period of twelve months commencing on November 1, upon payment of a \$0.50 toll to be deducted from a prepaid debit account for each one-way trip across the Bridges.
  - ii. A semi-annual discount program utilizing an AVI device may be purchased at a cost of \$24.00 per vehicle or \$12.00 for the second, fourth, sixth, etc., non-commercial vehicle registered to or leased by the same natural person, which when properly installed will entitle such vehicle to use the Cape Coral and Midpoint Memorial Bridges for a period of six months commencing on November 1, or May 1, upon payment of a \$0.50 toll to be deducted from a prepaid debit account for each one-way trip across the Bridges.
  - iii. An annual discount program utilizing an AVI device may be purchased at a cost of \$330.00 per vehicle or \$165.00 for the second, fourth, sixth, etc., non-commercial

vehicle registered to or leased by the same natural person, which when properly installed will entitle such vehicle to use the Cape Coral and Midpoint Memorial Bridges for a period of twelve months commencing on November 1, without further payment. Prorated annual commuter programs will be sold per the following schedule:

<u>Validity Period</u>	<u>Price</u>	<u>Half-Price</u>
December 1 - October 31	\$309.00	\$155.00
January 1 - October 31	288.00	144.00
February 1 - October 31	267.00	134.00
March 1 - October 31	246.00	123.00
April 1 - October 31	222.00	111.00

iv. A semi-annual discount program utilizing an AVI device may be purchased at a cost of \$200.00 per vehicle or \$100.00 for the second, fourth, sixth, etc. non-commercial vehicle registered to or leased by the same natural person, which when properly installed will entitle such vehicle to use the Cape Coral and Midpoint Memorial Bridges for a period of six months commencing on November 1, or May 1, without further payment. Prorated semi-annual commuter programs will be available per the following schedule:

<u>Validity Period</u>	<u>Price</u>	<u>Half-Price</u>
December 1 - April 30	\$168.00	\$84.00
January 1 - April 30	136.00	68.00
February 1 - April 30	104.00	52.00
March 1 - April 30	72.00	36.00
June 1 - October 31	\$168.00	\$84.00
July 1 - October 31	136.00	68.00
August 1 - October 31	104.00	52.00
September 1 - October 31	72.00	36.00

c. Combination commuter discount programs utilizing an AVI device for use on the Cape Coral, Midpoint Memorial and Sanibel Toll Facilities will be available for 2-axle, 4-wheel

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vehicles or 2-axle, 6 wheel vehicles only:

i. Annual combination discount programs utilizing an AVI device may be purchased at a cost of ~~\$50.00~~ \$140.00 per vehicle or ~~\$25.00~~ \$70.00 for the second, fourth, sixth, etc., non-commercial vehicles registered to or leased by the same natural person, which when properly installed will entitle such vehicle to use the Cape Coral, Midpoint Memorial and Sanibel Toll facilities for a period of twelve months commencing on November 1, upon the payment of a \$0.50 toll deducted from a prepaid debit account at the Cape Coral and Midpoint Memorial Bridges and a \$3.00 toll deducted from a prepaid debit account at the Sanibel Toll Facilities.

ii. Semi-annual combination discount programs utilizing an AVI device may be purchased at a cost of ~~\$30.00~~ \$99.00 per vehicle or ~~\$15.00~~ \$49.50 for the second, fourth, sixth, etc., non-commercial vehicles registered to or leased by the same natural person, which when properly installed will entitle such vehicle to use the Cape Coral, Midpoint Memorial and Sanibel Toll Facilities for a period of six months commencing on November 1 or May 1 upon payment of a \$0.50 toll deducted from a prepaid debit account at the Cape Coral and Midpoint Memorial Bridges and a \$3.00 toll deducted from a prepaid debit account at the Sanibel Toll Facilities.

iii. Annual combination discount programs utilizing an AVI device may be purchased at a cost of ~~\$380.00~~ \$930.00 per vehicle or ~~\$190.00~~ \$465.00 for the second, fourth, sixth, etc. non-commercial vehicle registered to or leased by the same natural person, which when properly installed, will entitle such vehicle to use the Cape Coral, Midpoint Memorial and the Sanibel Toll Facilities for a period of twelve months commencing on November 1, without

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further payment. Prorated annual combination commuter programs will be sold per the following schedule:

<u>Validity Period</u>	<u>Price</u>		<u>Half-Price</u>	
December 1 - October 31	<del>\$355.00</del>	<u>\$884.00</u>	<del>\$178.00</del>	<u>\$442.00</u>
January 1 - October 31	<del>330.00</del>	<u>838.00</u>	<del>165.00</del>	<u>419.00</u>
February 1 - October 31	<del>304.00</del>	<u>792.00</u>	<del>152.00</del>	<u>396.00</u>
March 1 - October 31	<del>279.00</del>	<u>746.00</u>	<del>140.00</del>	<u>373.00</u>
April 1 - October 31	<del>253.00</del>	<u>697.00</u>	<del>127.00</del>	<u>349.00</u>

iv. Semi-annual combination discount programs may be purchased at a cost of ~~\$230.00~~ \$650.00 per vehicle or ~~\$115.00~~ \$325.00 for the second, fourth, sixth, etc., non-commercial vehicle registered to or leased by the same natural person, which when the AVI device is properly installed will entitle such vehicle to use the Cape Coral, Midpoint Memorial and Sanibel Toll Facilities for a period of six months commencing on November 1 and May 1, without further payment. Prorated semi-annual combination commuter programs will be sold per the following schedule:

<u>Validity Period</u>	<u>Price</u>		<u>Half-Price</u>	
December 1 - April 30	<del>\$194.00</del>	<u>\$543.00</u>	<del>\$97.00</del>	<u>\$272.00</u>
January 1 - April 30	<del>158.00</del>	<u>436.00</u>	<del>79.00</del>	<u>218.00</u>
February 1 - April 30	<del>123.00</del>	<u>329.00</u>	<del>62.00</del>	<u>165.00</u>
March 1 - April 30	<del>87.00</del>	<u>222.00</u>	<del>44.00</del>	<u>111.00</u>
June 1 - October 31	<del>\$194.00</del>	<u>\$543.00</u>	<del>\$94.00</del>	<u>\$272.00</u>
July 1 - October 31	<del>159.00</del>	<u>436.00</u>	<del>79.00</del>	<u>218.00</u>
August 1 - October 31	<del>123.00</del>	<u>329.00</u>	<del>62.00</del>	<u>165.00</u>
September 1 - October 31	<del>87.00</del>	<u>222.00</u>	<del>44.00</del>	<u>111.00</u>

d. Except as otherwise provided herein, a full paid toll for each Sanibel bound trip on the Causeway shall be paid in accordance with the schedule set forth below.

<u>Vehicle Class</u>	<u>Toll</u>	
Motorcycles	<del>\$1.00</del>	<u>\$ 2.00</u>
2 axles, 4 tires	<del>3.00</del>	<u>6.00</u>
2 axles, 6 tires	<del>3.00</del>	<u>6.00</u>

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3 axles	<del>4.50</del>	<u>9.00</u>
4 axles	<del>6.00</del>	<u>12.00</u>
5 axles	<del>7.50</del>	<u>15.00</u>
6 or more axles	<del>1.50 per axle</del>	<u>3.00</u>

No toll shall be charged for a mainland-bound trip on the Causeway.

e. The following commuter discount program will be available for 2-axle, 4-tire vehicles or 2-axle, 6-tire vehicles only:

i. An annual discount program utilizing an AVI device may be purchased at a cost of ~~\$25.00~~ \$100.00 per vehicle of ~~\$12.50~~ \$50.00 for the second, fourth, sixth, etc., additional non-commercial vehicle registered to or leased by the same natural person which when properly installed will entitle such vehicle to use the Causeway for a period of twelve months commencing on November 1, upon payment of a ~~\$0.50~~ \$3.00 toll deducted from a prepaid debit account for each Sanibel-bound trip on the Causeway.

ii. A semi-annual discount program utilizing an AVI device may be purchased at a cost of ~~\$15.00~~ \$75.00 per vehicle or ~~\$7.50~~ \$37.50 for the second, fourth, sixth, etc., additional non-commercial vehicle registered to or leased by the same natural person which when properly installed will entitle such vehicle to use the Causeway for a period of six months commencing on November 1, or May 1 upon payment of a ~~\$0.50~~ \$3.00 toll deducted from a prepaid debit account for each Sanibel-bound trip on the Causeway.

iii. An annual discount program utilizing an AVI device may be purchased at a cost of ~~\$150.00~~ \$600.00 per vehicle or ~~\$75.00~~ \$300.00 for the second, fourth, sixth, etc., non-commercial vehicle registered to or leased by the same natural person, which when properly installed will entitle such vehicle to use the Causeway for a period of twelve months commencing on November 1, without further payment. Prorated annual commuter programs will

be sold per the following schedule:

<u>Validity Period</u>	<u>Price</u>		<u>Half-Price</u>	
December 1 - October 31	<del>\$140.00</del>	<u>\$575.00</u>	<del>\$70.00</del>	<u>\$288.00</u>
January 1 - October 31	<del>130.00</del>	<u>550.00</u>	<del>65.00</del>	<u>275.00</u>
February 1 - October 31	<del>120.00</del>	<u>525.00</u>	<del>60.00</del>	<u>263.00</u>
March 1 - October 31	<del>110.00</del>	<u>500.00</u>	<del>55.00</del>	<u>250.00</u>
April 1 - October 31	<del>100.00</del>	<u>475.00</u>	<del>50.00</del>	<u>238.00</u>

iv. A semi-annual discount program utilizing an AVI device may be purchased at a cost of ~~\$90.00~~ \$450.00 per vehicle or ~~\$45.00~~ \$225.00 for the second, fourth, sixth, etc., non-commercial vehicle registered to or leased by the same natural person, which when properly installed will entitle such vehicle to use the Causeway for a period of six months commencing on November 1 or May 1, without further payment. Prorated semi-annual commuter programs will be sold per the following schedule:

<u>Validity Period</u>	<u>Price</u>		<u>Half-Price</u>	
December 1 - April 30	<del>\$76.00</del>	<u>\$375.00</u>	<del>\$38.00</del>	<u>\$188.00</u>
January 1 - April 30	<del>62.00</del>	<u>300.00</u>	<del>31.00</del>	<u>150.00</u>
February 1 - April 30	<del>48.00</del>	<u>225.00</u>	<del>24.00</del>	<u>113.00</u>
March 1 - April 30	<del>34.00</del>	<u>150.00</u>	<del>17.00</del>	<u>75.00</u>
June 1 - October 31	<del>\$76.00</del>	<u>\$375.00</u>	<del>\$38.00</del>	<u>\$188.00</u>
July 1 - October 31	<del>62.00</del>	<u>300.00</u>	<del>31.00</del>	<u>150.00</u>
August 1 - October 31	<del>48.00</del>	<u>225.00</u>	<del>24.00</del>	<u>113.00</u>
September 1 - October 31	<del>34.00</del>	<u>150.00</u>	<del>17.00</del>	<u>75.00</u>

f. During the term of the variable pricing program, a toll for each one-way trip on the Cape Coral and Midpoint Memorial Bridges during off-peak hours when using the automatic vehicle identification system shall be paid in accordance with the schedule set forth below:

<u>Vehicle Class</u>	<u>Off-Peak Hour Toll Payment Without AVI Device*</u>	<u>Off-Peak Hour Toll Payment With AVI Device*</u>
Motorcycles	\$ .50	\$ .25, upon availability

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2 axles, 4 tires	\$1.00	\$ .50/.25 (applies to \$.25 coin drop <u>pre-paid</u> )
2 axles, 6 tires	\$1.00	\$ .50/.25 (applies to \$.25 coin drop <u>pre-paid</u> )
3 axles	\$2.00	\$1.00, <del>upon availability</del>
4 axles	\$3.00	\$1.50, <del>upon availability</del>
5 axles	\$4.00	\$2.00, <del>upon availability</del>
6 or more axles	\$1.00 per axle	\$ .50 per axle, <del>upon availability</del>

\*As defined and authorized by Paragraphs 1.b.i., 1.b.ii., 1.c.i. and 1.c.ii., above.

The above rates for off-peak discounted toll travel shall only be available to toll facility travelers who have established a pre-paid account and obtained an officially authorized automatic vehicle identification device. Accommodations for consumers desiring a single payment, annual or semi-annual, discount program, utilizing an AVI device free of a per-trip toll for either the Cape/Midpoint Corridor or with a combination of the Cape/Midpoint Corridor and Sanibel Bridge, shall be continued at the current pricing, but without any additional discounting.

Off-peak hours are currently defined as that time between 6:30 a.m. to 7:00 a.m.; 9:00 a.m. to 11:00 a.m.; 2:00 p.m. to 4:00 p.m.; and 6:30 to 7:00 p.m. Monday through Friday, excluding Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas and New Year's Days. The Lee County Director of Public Works shall have the ability to modify the off-peak hours if deemed necessary, upon posting at the facilities of the changes in hours in accordance with §338.01, Florida Statutes. In the event the Fourth of July, Christmas or New Year's Day falls on a Saturday or Sunday, the week-day customarily given as a day off to county employees will be excluded from the definition of off-peak hours and no additional discount in accordance with this schedule will be given.

~~g. From November 1, 1997 should the transponders (AVI devices) not be substantially distributed and operational, any semi-annual and annual decal purchased after April~~

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~~30, 1997 and October 31, 1996, respectively, will be honored at the toll facilities in Lee County for the various commuter discount programs as outlined in this Resolution, until such time that the transponders (AVI devices) be substantially distributed and operational.~~

~~————— Upon completion of distributing transponders to all persons taking part in the commuter discount programs, Lee County Division of Transportation will post notice at the facilities that the stickers will no longer be honored at the facilities.~~

**SECTION TWO:**

This Resolution shall be implemented as of \_\_\_\_\_, however, the effective date that the time-of-day variable tolls as specified in Section One (d) are put into effect at the Cape Coral and Midpoint Memorial Toll Facilities will be determined by the Lee County Division of Transportation, upon posting at the facilities of the change in accordance with Section 338.01, Florida Statutes.

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 \_\_\_\_\_, 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

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