

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

**Blue Sheet No. 20050978**

**1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to consider and approve resolution on proposed revised toll structures for the Sanibel Causeway, Midpoint Memorial Bridge and the Cape Coral Bridge.

**2. WHAT ACTION ACCOMPLISHES:** Allows Public Hearing to be held.

**3. MANAGEMENT RECOMMENDATION:** Recommend approval.

**4. Departmental Category:** 5:00 #3

**5. Meeting Date:** 08-09-2005

<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>	
<input type="checkbox"/> Consent		<input type="checkbox"/> Statute	
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code	
<input checked="" type="checkbox"/> Public - 5:00 PM		<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Bond
<input type="checkbox"/> Walk-On			<input type="checkbox"/> Coverage

**8. Request Initiated:**  
 Commissioner \_\_\_\_\_  
 Department County Attorney  
 Division \_\_\_\_\_  
 By: Jed R. Schneck  
Assistant County Attorney

**9. Background:**

Lee County closed on the 2005B Transportation Facilities Revenue Bonds on June 22, 2004 for the replacement of the Sanibel Bridges and Causeway. As part of the settlement agreement with the City of Sanibel dated March 1, 2005 Lee County agreed to use its best effort to reduce the tolls associated with the Commuter Discount Programs for the Sanibel Causeway.

The attached draft resolution contains the proposed revisions to the toll structure for the Sanibel Causeway discount programs.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
	N/A	N/A	N/A	<u>JS 7/11/05</u>	<u>NK 7/12</u>	<u>at 7/12/05</u>	<u>WJ 7/12/05</u>	<u>WJ 7/12/05</u>	

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
7-11-05

RECEIVED BY  
COUNTY ADMIN: JK  
7-11-05  
4:30  
COUNTY ADMIN  
FORWARDED TO: \_\_\_\_\_  
7:30pm

25

## NOTICE OF INTENT TO ADOPT A RESOLUTION

NOTICE IS HEREBY GIVEN that on August 9, 2005 at 5:00 P.M., or as soon thereafter as can be heard in the County Commissioners' Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida will consider the enactment of one (1) Resolution pursuant to Article VIII, Section 1, under the State Constitution and Chapter 125, Florida Statutes. The title of the proposed Resolution is as follows:

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA; RELATING TO THE CAPE CORAL, MIDPOINT MEMORIAL AND SANIBEL TOLL FACILITIES; REVISE TOLL STRUCTURE FOR THE CAPE CORAL, MIDPOINT MEMORIAL AND SANIBEL DISCOUNT PROGRAMS; REVISE TOLL STRUCTURE FOR SANIBEL DISCOUNT PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE.**

Copies of this Notice and the proposed Resolution are on file in the Minutes Office of the Clerk of the Circuit Court of Lee County. The public may inspect or copy the Resolution during regular business hours at the Division of Public Resources. The Minutes Office and the Division of Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida.

Interested parties may appear at the meeting, in person or through a representative, and be heard with respect to the proposed Resolution.

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. Generally, a verbatim record, including all testimony and evidence upon which the appeal is to be based, will be necessary.

The Resolution, if adopted by the Board at this meeting, will take effect November 1, 2005.

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 239/335-2269 for information.


COPY

PLEASE BE GOVERNED ACCORDINGLY.

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: August 2, 2005

COPY

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

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA; RELATING TO THE CAPE CORAL, MIDPOINT MEMORIAL AND SANIBEL TOLL FACILITIES; REVISE TOLL STRUCTURE FOR THE CAPE CORAL, MIDPOINT MEMORIAL AND SANIBEL DISCOUNT PROGRAMS; REVISE TOLL STRUCTURE FOR SANIBEL DISCOUNT PROGRAMS; 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, 97-09-53, 01-06-58, and 04-08-60 which established and extended the toll rates and commuter discount programs for the Sanibel Causeway, Midpoint Memorial Bridge and the Cape Coral Bridge collectively, "The Bridges"; 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 Board finds and determines that vehicle class, frequency of use and time-of-day use are a reasonable basis for the classification of its tolls; and,

DRAFT FOR DISCUSSION PURPOSES ONLY  
LEE COUNTY ATTORNEY'S OFFICE  
6/15/05

S:\GSI\RESOLUTION\Amending Resolution 04-08-60 - Tolls.wpd

COPY

**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, 01-06-58, and 04-08-60 are hereby amended and superceded by this resolution.

Imposition of Tolls. Commencing on November 1, 2005, the following tolls shall be imposed for use of The Bridges.

I. Cape Coral and Mid-Point Memorial Bridges

A. One-way Trip Tolls

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 Payment without AVI Device</u>	<u>Toll Payment with AVI Device</u>
Motorcycles	\$ .50	\$ .50
2 axles, 4 tires	\$1.00	\$1.00
2 axles, 6 tires	\$1.00	\$1.00
3 axles	\$2.00	\$2.00
4 axles	\$3.00	\$3.00
5 axles	\$4.00	\$4.00
6 or more axles	\$1.00 per axle	\$1.00 per axle

B. Commuter Discount Programs

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:

1. Annual Discount Program

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 with a positive balance for each one-way trip across the Bridges.

2. Semi-annual Discount Program

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 with a positive balance for each one-way trip across the Bridges.

3. Unlimited Annual Discount Program

An unlimited 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. Unlimited programs require a positive pre-paid debit account with a \$15.00 initial balance. 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

4. Unlimited Semi-annual Discount Program

An unlimited 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. Unlimited programs require a positive pre-paid debit account with a \$15.00 initial balance. 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	\$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

II. Cape Coral, Mid-Point Memorial, and Sanibel Toll Facilities

A. Combination Commuter Discount Programs

The following 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 vehicles or 2-axle, 6 wheel vehicles only:

1. Annual Combination Discount Program

An annual combination discount program utilizing an AVI device may be purchased at a cost of ~~\$140.00~~ \$107.00 per vehicle of ~~\$70.00~~ \$53.50 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 twelve months commencing on November 1, upon the payment of a \$0.50 toll deducted from a prepaid debit account with a positive balance at the Cape Coral and Midpoint Memorial Bridges and a ~~\$3.00~~ \$2.00 toll deducted from a prepaid debit account with a positive balance at the Sanibel Toll Facilities.



2. Semi-annual Combination Discount Program

A semi-annual combination discount program utilizing an AVI device may be purchased at a cost of ~~\$99.00~~ \$74.00 per vehicle or ~~\$49.50~~ \$37.00 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 six months commencing on November 1 or May 1, upon payment of a \$0.50 toll deducted from a prepaid debit account with a positive balance at the Cape Coral and Midpoint Memorial Bridges and a ~~\$3.00~~ \$2.00 toll deducted from a prepaid debit account with a positive balance at the Sanibel Toll Facilities.

3. Unlimited Annual Combination Discount Program

An unlimited annual combination discount program utilizing an AVI device may be purchased at a cost of ~~\$930.00~~ \$730.00 per vehicle or ~~\$465.00~~ \$365.00 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 further payment. Unlimited programs require a positive pre-paid debit account with a \$15.00 initial balance. 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>\$884.00</del>	\$692.00	<del>\$442.00</del>	\$346.00
January 1 - October 31	<del>\$838.00</del>	\$654.00	<del>\$419.00</del>	\$327.00
February 1 - October 31	<del>\$792.00</del>	\$616.00	<del>\$396.00</del>	\$308.00
March 1 - October 31	<del>\$746.00</del>	\$578.00	<del>\$373.00</del>	\$289.00
April 1 - October 31	<del>\$697.00</del>	\$537.00	<del>\$349.00</del>	\$268.50

4. Unlimited Semi-annual Combination Discount Program

An unlimited semi-annual combination discount program utilizing an AVI device may be purchased at a cost of ~~\$650.00~~ \$500.00 per vehicle or ~~\$325.00~~ \$250.00 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. Unlimited programs require a positive pre-paid debit account with a \$15.00 initial balance. 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>\$543.00</del>	\$418.00	<del>\$272.00</del>	\$209.00
January 1 - April 30	<del>\$436.00</del>	\$336.00	<del>\$218.00</del>	\$168.00
February 1 - April 30	<del>\$329.00</del>	\$254.00	<del>\$165.00</del>	\$127.00
March 1 - April 30	<del>\$222.00</del>	\$172.00	<del>\$111.00</del>	\$ 86.00
June 1 - October 31	<del>\$543.00</del>	\$418.00	<del>\$272.00</del>	\$209.00
July 1 - October 31	<del>\$436.00</del>	\$336.00	<del>\$218.00</del>	\$168.00
August 1 - October 31	<del>\$329.00</del>	\$254.00	<del>\$165.00</del>	\$127.00
September 1 - October 31	<del>\$222.00</del>	\$172.00	<del>\$111.00</del>	\$ 86.00

III. Sanibel Causeway

A. Sanibel Bound

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 Payment without AVI Device</u>	<u>Toll Payment with AVI Device</u>
Motorcycles	\$ 2.00	\$ 2.00
2 axles, 4 tires	\$ 6.00	\$ 6.00
2 axles, 6 tires	\$ 6.00	\$ 6.00
3 axles	\$ 9.00	\$ 9.00

DRAFT FOR DISCUSSION PURPOSES ONLY  
LEE COUNTY ATTORNEY'S OFFICE  
6/15/05

S:\GS\RESOLUTION\Amending Resolution 04-08-60 - Tolls.wpd

4 axles	\$12.00	\$12.00
5 axles	\$15.00	\$15.00
6 or more axles	\$ 3.00 per axle	\$ 3.00 per axle

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

B. Commuter Discount Programs

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

1. Annual Discount Program

An annual discount program utilizing an AVI device may be purchased at a cost of ~~\$100.00~~ \$67.00 per vehicle of ~~\$50.00~~ \$33.50 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 Sanibel Causeway for a period of twelve months commencing on November 1, upon payment of a ~~\$3.00~~ \$2.00 toll deducted from a prepaid debit account with a positive balance for each Sanibel-bound trip on the Sanibel Causeway.

2. Semi-annual Discount Program

A semi-annual discount program utilizing an AVI device may be purchased at a cost of ~~\$75.00~~ \$50.00 per vehicle or ~~\$37.50~~ \$25.00 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 Sanibel Causeway for a period of six months commencing on November 1 or May 1, upon payment of a ~~\$3.00~~ \$2.00 toll deducted from a prepaid debit account with a positive balance for each Sanibel-bound trip on the Sanibel Causeway.

3. Unlimited Annual Discount Program

An unlimited annual discount program utilizing an AVI device may be purchased at a cost of ~~\$600.00~~ \$400.00 per vehicle or ~~\$300.00~~ \$200.00 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 Sanibel Causeway for a period of twelve months commencing on November 1, without further payment. Unlimited programs require a positive pre-paid debit account with a \$15.00 initial balance.

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>\$575.00</del>	\$383.00	<del>\$288.00</del>	\$191.50
January 1 - October 31	<del>\$550.00</del>	\$366.00	<del>\$275.00</del>	\$183.00
February 1 - October 31	<del>\$525.00</del>	\$349.00	<del>\$263.00</del>	\$174.50
March 1 - October 31	<del>\$500.00</del>	\$332.00	<del>\$250.00</del>	\$166.00
April 1 - October 31	<del>\$475.00</del>	\$315.00	<del>\$238.00</del>	\$157.50

4. Unlimited Semi-annual Discount Program

An unlimited semi-annual discount program utilizing an AVI device may be purchased at a cost of ~~\$450.00~~ \$300.00 per vehicle or ~~\$225.00~~ \$150.00 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 Sanibel Causeway for a period of six months commencing on November 1 or May 1, without further payment. Unlimited programs require a positive pre-paid debit account with a \$15.00 initial balance.

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>\$375.00</del>	\$250.00	<del>\$188.00</del>	\$125.00
January 1 - April 30	<del>\$300.00</del>	\$200.00	<del>\$150.00</del>	\$100.00
February 1 - April 30	<del>\$225.00</del>	\$150.00	<del>\$113.00</del>	\$ 75.00
March 1 - April 30	<del>\$150.00</del>	\$100.00	<del>\$ 75.00</del>	\$ 50.00

June 1 - October 31	<del>\$375.00</del>	\$250.00	<del>\$188.00</del>	\$125.00
July 1 - October 31	<del>\$300.00</del>	\$200.00	<del>\$150.00</del>	\$100.00
August 1 - October 31	<del>\$225.00</del>	\$150.00	<del>\$113.00</del>	\$ 75.00
September 1 - October 31	<del>\$150.00</del>	\$100.00	<del>\$ 75.00</del>	\$ 50.00

IV. Variable Pricing Program

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 AVI System shall be paid in accordance with the schedule set forth below.

These rates for off-peak discounted toll travel shall only be available to toll facility travelers who have established a pre-paid account with a positive balance and obtained an officially authorized AVI device.

<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
2 axles, 4 tires	\$1.00	\$ .50/.25*
2 axles, 6 tires	\$1.00	\$ .50/.25*
3 axles	\$2.00	\$1.00
4 axles	\$3.00	\$1.50
5 axles	\$4.00	\$2.00
6 or more axles	\$1.00 per axle	\$ .50 per axle

(\*The \$.25 discounted rate will be available only to the commuter discount programs as defined and authorized by Paragraphs I.B.1., I.B.2., II.A.1., and II. A.2., above. The 50% discounted rate will be available to all other toll facility travelers who have established a pre-paid account with a positive balance and obtained an officially authorized AVI device.)

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. In the event the Fourth of July, Christmas or New Year's Day falls on

DRAFT FOR DISCUSSION PURPOSES ONLY  
LEE COUNTY ATTORNEY'S OFFICE  
6/15/05

S:\GS\RESOLUTION\Amending Resolution 04-08-60 - Tolls.wpd

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.

**SECTION TWO:**

This Resolution shall be implemented as of November 1, 2005.

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	_____
TAMMY HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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