

**1. Requested Motion:**

**Meeting Date: September 17, 2012**

Approve the public notification associated with the proposed potable water rate increase and set November 5, 2012 at 9:00AM for a public hearing.

**What the action accomplishes:**

Moves forward the request for a rate adjustment and sets a date for a Public Hearing.

**Why is this action necessary?**

It is necessary for Town Council to provide proper notice to utility customers and hold a public hearing prior to implementing a rate increase.

**2. Agenda:**

- Consent
- Administrative

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other:

**4. Submitter of Information:**

- Council
- Town Staff – Public Works
- Town Attorney

**5. Background:**

The Lee County BOCC approved a wholesale water rate increase at a public hearing held on August 9, 2012. The wholesale water rate will increase by six percent (6%) from \$3.46 to \$3.67 per thousand gallons effective November 6, 2012.

It is required that public notice be provided at least thirty (30) days prior to a public hearing. In addition to a public advertisement, the notice will be sent to the customer base with the monthly billing scheduled to be mailed on or before October 1, 2012. No other changes to the rates and charges for the water utility are included with this request.

Associated with this rate adjustment, an ordinance will be adopted at the public hearing should the action be approved by Town Council. The draft ordinance is attached for review; it will be introduced at a meeting in October. Also attached is the public notification which will be mailed to the customer base as well as advertised.

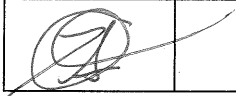

**6. Alternative Action:**

Do not approve the public notification to move this forward to a hearing.

**7. Management Recommendations:**

Staff recommends the approval.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

- Approved
- Denied
- Deferred
- Other

ORDINANCE OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
ORDINANCE NUMBER 12-

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN INCREASE IN POTABLE WATER RATES FOR POTABLE WATER UTILITY CUSTOMERS OF THE TOWN OF FORT MYERS BEACH BY AN AMOUNT THAT IS EQUAL TO THE AMOUNT OF THE LEE COUNTY WHOLESALE WATER RATE INCREASE APPROVED BY LEE COUNTY; PROVIDING 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, following due and proper notice as required by Florida Statute Section 180.136, the Town Council held a public hearing to consider a potable water rate increase at the Town Council meeting on November 5, 2012; and

WHEREAS, at said hearing, the Town Council considered the testimony of all interested persons and the documents in the file; and

WHEREAS, pursuant to Section 180.13(2), Florida Statutes, the Town Council is authorized to establish just and equitable rates and charges to be paid for the use of the municipal utility by each person, firm or corporation whose premises are served thereby.

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance.

Section 2. *Approval of Rate Increase.* The Town Council of the Town of Fort Myers Beach hereby approves a potable water rate increase in the amount of twenty-one (21) cent per one thousand (1,000) gallons for each Block Rate for all potable water utility customers. This adjustment represents an increase that is equivalent to the increase in the wholesale (bulk) water rate recently approved by Lee County, 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 for all water utility customers will be:

Block 1	\$5.27 per 1,000 gallons
Block 2	\$6.27 per 1,000 gallons
Block 3	\$7.27 per 1,000 gallons
Block 4	\$8.27 per 1,000 gallons



TOWN OF FORT MYERS BEACH, FLORIDA  
NOTICE OF INTENT TO HOLD A PUBLIC HEARING TO CONSIDER  
AN INCREASE IN POTABLE WATER UTILITY RATES

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT ON THE 5<sup>TH</sup> OF NOVEMBER, 2012, AT A.M. IN THE COUNCIL CHAMBERS AT TOWN HALL, 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931, the Town Council of the Town of Fort Myers Beach, Florida will consider approval of an Ordinance to increase Town water rates to pass along those certain wholesale (bulk) water rate increases approved by Lee County in the amount of twenty-one (21) cents per one thousand (1,000) gallons to each Block rate, to all customers of the Town potable water utility. This rate increase was brought forward by Town staff upon receipt of notification from Lee County Utilities, and acted on by the Town Council at their September 4, 2012 meeting. The captioned title of the proposed Town Ordinance is as follows:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN INCREASE IN POTABLE WATER RATES FOR POTABLE WATER UTILITY CUSTOMERS OF THE TOWN OF FORT MYERS BEACH BY AN AMOUNT THAT IS EQUAL TO THE AMOUNT OF THE LEE COUNTY WHOLESALE WATER RATE INCREASE APPROVED BY LEE COUNTY; PROVIDING AN EFFECTIVE DATE.

1. Copies of this Notice and the Proposed Ordinance are on file with the Town Clerk, Town Hall, Second Floor, 2523 Estero Boulevard, Fort Myers Beach, FL 33931. The public may inspect or copy the Ordinance and all other official documents with regard to this matter during regular business hours at Town Hall.

2. Interested parties may appear at the hearing in person or through counsel, and may be heard with respect to the adoption of the proposed Ordinance.

3. Any affected rate payer may protest the proposed rate increase by filing a written protest with the Town Manager prior to or at the hearing of the Town Council and registering such protest.

4. Anyone wishing to appeal the decision(s) made by the Town Council with respect to any matter considered at this hearing 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.

5. The Ordinance shall take effect immediately upon its adoption by the Town Council at the public hearing. However, in the event that the Town Council approves an increase in the Town potable water rates, such increase will take effect on November 6, 2012.

6. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Town Manager at (239) 765-0202 for information.

The text of this Notice is in conformance with relevant sections of Florida Statute and other relevant sections of Florida law.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA

BY: \_\_\_\_\_  
MICHELLE D. MAYHER, TOWN CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY

AD SIZE: 2 X 5

**PUBLISHING DATES:**

AFFIDAVIT OF PUBLICATION REQUESTED