

1. Requested Motion:

Meeting Date: October 15, 2012

Motion to introduce Ordinance 12-08 approving the potable water rate increase and set November 5, 2012 at 9:00AM for a public hearing.

What the action accomplishes:

State law provides that prior to adoption of an ordinance; it must be read by title at a public meeting at least once prior to the date when it is adopted.

Why is this action necessary?

Introduces the ordinance by reading the title and sets a public hearing date for the ordinance.

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 charged by Lee County to the Town will increase by six percent (6%) from \$3.46 to \$3.67 per thousand gallons effective November 15, 2012.

This is the first rate adjustment that has occurred since the dissolution of PWSI. Because of this circumstance, it is necessary to proceed with this rate adjustment through the Ordinance process. The action associated with this introduction moves the ordinance forward and sets the date of November 5, 2012, to hold the public hearing regarding the proposed rate increase. The Ordinance provides the description of the rate increase and passes on the six percent (6%) rate increase to the cost per thousand gallons. No other rates or fees are being modified in conjunction with this action.

The public notice to the water system customers was mailed with the monthly billing on or about October 1, 2012, providing the 30 day advance notice required prior to Town Council hearing the request for rate increase. The affidavit certifying this notification will be included with materials distributed for the public hearing. A public advertisement associated with the Ordinance hearing will be published in advance of the hearing date.

Ordinance #12-08 is attached for purposes of introduction.

6. Alternative Action:

Do not approve the introduction of the ordinance 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 12-08

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

Section 4. *Severability.* If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held as invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance.

Section 5. *Effective Date.* This Ordinance shall take effect on November 15, 2012.

A motion to approve this Ordinance was made by Councilmember _____ and seconded by _____ and upon being put to a vote, the result was as follows:

Bob Raymond, Mayor	_____
_____, Vice-Mayor	_____
Jo List	_____
Alan Mandel	_____
Joe Kosinski	_____

ADOPTED ON THE _____ DAY OF _____, 2012.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: _____
Bob Raymond, Mayor

Approved as to legal sufficiency:

Attest:

By: _____
Town Attorney

By: _____
Michelle D. Mayher, Town Clerk

TOWN OF FORT MYERS BEACH



MEMORANDUM

DATE: September 27, 2012
TO: Terry Stewart, Town Manager
FROM: Cathie Lewis, Public Works Director *C Lewis*
SUBJECT: November 5, 2012 Public Hearing Water Rate Increase

In conversation with Beach Water while preparing for the rate increase, they brought to my attention the expense from AVR (billing company) associated with the implementation date for the rate increase. The cost is associated with writing a program to prorate the billing cycle for ten days. Prior to obtaining a price from AVR, I contacted Lee County Utilities (LCU) to determine if they would extend the implementation date from November 6, 2012 to November 15, 2012.

LCU was agreeable to it, a copy of their e-mail is attached for reference, in fact they requested that the sewer billing increase scheduled to be implemented for them on October 5, 2012 could be held off until October 15, 2012 to avoid the same costs.

I have spoken with the Town Attorney regarding the date change and since the Town would be moving implementation to a later date did not see any problem with the change. The blue sheet and ordinance now reflect the new implementation date. This will not affect the hearing date however, which will stand at November 5, 2012.

Attachment

pc: file

Cathie Lewis

From: Andrews, Carolyn [CAndrews@leegov.com]
Sent: Monday, September 24, 2012 12:30 PM
To: Cathie Lewis; Jobes, Amanda; Christy Cory
Subject: RE: FY 2013 Bulk Water Increase

Yes, please make the rate effective November 15, 2012. We don't want to bill customers for the higher rates for September usage billed in October.
Thank you for your assistance.

Best regards, Carolyn

Carolyn B. Andrews
LEE COUNTY UTILITIES
Deputy Director of Business Operations
Phone: 239 274-2545
Cell Phone: 239 826-4028
Fax: 239 274-5030
E-Mail: andrewcb@leegov.com
Website: <http://www.lee-county.com>

From: Cathie Lewis [<mailto:cathie@fortmyersbeachfl.gov>]
Sent: Monday, September 24, 2012 12:25 PM
To: Andrews, Carolyn; Jobes, Amanda; Christy Cory
Subject: FY 2013 Bulk Water Increase
Importance: High

Hi Carolyn – Now that we are in the public notification/hearing process associated with the increase and getting things set with the billing company, it is apparent that by making the increase effective on the 6th is going to be costly.

Would it be possible for LCU to make it effective on 11/15/12 which will coincide with the billing cycles so that a prorate program will not be needed?

Of course we are in the process of including the public notices with the billings so need an answer on this as soon as possible. Your consideration is greatly appreciated, I will wait your response.

Cathie Lewis
Public Works Director
Town of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33931
(239) 765-0202
(239) 765-0909 fax

Florida has a very broad public records law. Most written communications to or from Fort Myers Beach officials regarding Town business are public records available to the public and media upon request. Your email communications and email address may be subject to public disclosure.