

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

Item Number: N-1

1 DEPARTMENT MAKING REQUEST

Public Works

2 MEETING DATE

9/9/2014 9:00:00 AM

3 REQUESTED MOTION/ACTION

Approve a Resolution adopting solid waste rates for Lee County residents on Gasparilla Island, as adopted by interlocal agreement with the Lee County Board of County Commissioners. This request is pursuant to Charlotte County Code Chapter 4-4 "Sanitation Districts" and has been reviewed by Charlotte County Public Works Solid Waste Division and the Charlotte County Attorney's office.

4 AGENDA

Consent

5 IS THIS ITEM BUDGETED (IF APPLICABLE) - Yes

Budget Action

No action needed.

Financial Impact Summary Statement

Detailed Analysis Attached - No

Budget Officer-

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

Charlotte and Lee Counties maintain an interlocal agreement whereby Charlotte County regulates solid waste collection and disposal for Lee County's portion of Gasparilla Island. Lee County imposes additional fees and charges to their residents in addition to the fees established for the Charlotte County Sanitation District for all waste hauled from the Lee County portion of Gasparilla Island and delivered to the Charlotte County Landfill.

On August 5, 2014, the Lee County Board of County Commissioners established certain rates and fees for Solid Waste Services in Lee County per Resolution Number 14-08-15. Revenues received pursuant to this Resolution are recorded in the Charlotte County Landfill Enterprise Fund.

ATTACHMENTS:

Name:

Description:

Type:

[WM.14.doc](#)

Res. adopting WM rates for Lee Co. portion of Gasp. Island

Resolution
Letter

[WM.14.Ex_A.pdf](#)

Ex. A to Resolution

Exhibit

RESOLUTION
NUMBER 2014-

A RESOLUTION ADJUSTING CERTAIN RATES CHARGED BY
WASTE MANAGEMENT, INC. OF FLORIDA FOR COMMERCIAL
AND RESIDENTIAL CUSTOMERS ON THE LEE COUNTY
PORTION OF GASPARILLA ISLAND.

RECITALS

WHEREAS, on June 27, 1990, Charlotte County and Lee County, Florida, entered into an "Interlocal Agreement for Solid Waste Collection and Disposal from Gasparilla Island, Florida," which Interlocal Agreement was amended and restated on December 13, 1994, and further amended by Amendment 1 on November 22, 1999, Amendment 2 on December 16, 2003, Amendment 3 on July 16, 2007, and Amendment 4 on May 26, 2009; and

WHEREAS, pursuant to said Interlocal Agreements, Lee County has the right to deposit solid waste collected from the Lee County portion of Gasparilla Island by its solid waste collection franchisee into the Charlotte County landfill; and

WHEREAS, in addition to the disposal rates imposed by Charlotte County on solid waste collection and disposal for the Lee County portion of Gasparilla Island, Lee County also imposes a per-ton surcharge on its franchisee, Waste Management, Inc. of Florida ("WM"), on all solid waste hauled from the Lee County portion of Gasparilla Island to the Charlotte County Landfill; and

WHEREAS, Lee County adjusted the surcharge component of its residential rate by Lee County Resolution No. 14-08-15 (attached hereto as Exhibit "A" and incorporated herein by reference) through public hearing on August 5, 2014; and

WHEREAS, when solid waste disposal rates are changed, the rates, fees and charges of commercial and residential solid waste collection service providers shall be adjusted, according to Chapter 4-4 of the Charlotte County Code; and

WHEREAS, the Charlotte County Solid Waste Management Division has reviewed the rates submitted by WM and its request to have the adjusted rates effective as of October 1, 2014, and found them to be justified and reasonable; and

WHEREAS, Charlotte County Code Section 4-4-38(1) requires that WM be given sixty (60) days prior notice of any adjustment in the disposal fees charged to WM, but due to the unique circumstances involved in the Interlocal Agreement and the surcharges imposed by Lee County outlined above, WM has waived the notice requirements.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. The Board of County Commissioners hereby adopts the adjusted residential rate of \$183.31 as set forth in Exhibit "A" for the Lee County portion of Gasparilla Island, and also hereby adopts Charlotte County's commercial rates for the Lee County portion of Gasparilla Island, effective as of October 1, 2014.

PASSED AND DULY ADOPTED this _____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By _____
Kenneth W. Doherty, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Janette S. Knowlton, County Attorney
LR2014-2975 _____

EXHIBIT A

LEE COUNTY RESOLUTION NO. 14-08-15

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ESTABLISHING THE ANNUAL RESIDENTIAL AND COMMERCIAL SPECIAL ASSESSMENT CHARGES FOR UNINCORPORATED LEE COUNTY MANDATORY GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL, AND FOR MUNICIPAL FACILITIES SPECIAL ASSESSMENTS/TAX, PURSUANT TO THE PROVISIONS AS CONTAINED IN LEE COUNTY ORDINANCE NO. 11-27, AND LEE COUNTY ORDINANCE NO. 96-09, AS AMENDED; PROVIDING FOR RATES FOR THE SOLID WASTE FRANCHISE AREAS WITHIN UNINCORPORATED LEE COUNTY, THE TOWN OF FORT MYERS BEACH, THE CITY OF BONITA SPRINGS AND MUNICIPAL FACILITIES SPECIAL ASSESSMENTS/TAX; PROVIDING FOR EFFECTIVE DATES FOR THE ADOPTED RATES; PROVIDING FOR PLACEMENT OF THE SPECIAL ASSESSMENTS ONTO THE LEE COUNTY TAX BILL FOR COLLECTION BY THE LEE COUNTY TAX COLLECTOR PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, AND LEE COUNTY RESOLUTION NO. 97-12-23 FOR THE 2014 TAX YEAR; PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED RESOLUTION.

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

WHEREAS, the Board of County Commissioners has duly adopted Lee County Ordinance No. 11-27 and Lee County Ordinance No. 96-09, as amended, relating to the financial requirements for the collection and disposal of solid waste in Lee County; and,

WHEREAS, the Board of County Commissioners has previously approved the establishment of residential and commercial special assessment rates for the Lee County Mandatory Garbage and Solid Waste Collection Program; and,

WHEREAS, the Board of County Commissioners has previously entered into certain Interlocal Agreements with the municipalities within Lee County for the levy of solid waste disposal facilities costs within the respective municipalities; and,

WHEREAS, the Board finds and determines that the Affected Units within the Municipal Service Benefit Units and MSTU Taxing Unit are specially benefitted in an amount that is at least equal to the special assessments and MSTU millage, respectively, as the result of the County providing solid waste collection and/or disposal services; and,

Carry Over 1

8-5-14

WHEREAS, the special assessment rates and the MSTU millage are being imposed pursuant to the provisions as contained in Lee County Ordinance No. 11-27 and Lee County Ordinance No. 96-09, as amended, to provide sufficient revenues to fund the collection and disposal of garbage and solid waste in Lee County; and,

WHEREAS, the Board of County Commissioners is now establishing the special assessment rates and MSTU millage for the Affected Units in the approved Lee County Mandatory Garbage and Solid Waste Service Areas and municipalities for the next fiscal year; and,

WHEREAS, such billing year shall be in effect from October 1, 2014 through September 30, 2015; and,

WHEREAS, on December 23, 1997, the Board of County Commissioners adopted Lee County Resolution No. 97-12-23 indicating the Board's intent to utilize the Uniform Method for placement of the Lee County Solid Waste Special Assessments onto the Lee County Tax Roll and collection by the Lee County Tax Collector per Section 197.3632, Florida Statutes; and,

WHEREAS, the Board of County Commissioners continues to desire to utilize Section 197.3632, Florida Statutes, Uniform Method of Collection for the Lee County Solid Waste Special Assessments for the 2014 tax year; and,

WHEREAS, the Board of County Commissioners finds that all such actions taken by the Board with respect to the levy, placement and collection of the 2014-2015 Solid Waste Special Assessments serve a public purpose and are to the public benefit.

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

SECTION ONE

The Board of County Commissioners hereby finds, re-adopts and re-confirms its findings and declarations as contained in Lee County Ordinance No. 11-27 and Lee County Ordinance No. 96-09, as amended, and further specifically finds that each affected unit subject to mandatory collection and disposal of solid waste as generally described in Lee County Ordinance No. 11-27 and Lee County Ordinance No. 96-09, as amended, is specially benefitted in an amount that is at least equal to the costs assessed for providing such service, thereby specially benefitting the subject real properties, and that the

MSTU millage levied is proportional to the MSTU Units' prorata use of the Lee County Disposal Facilities.

SECTION TWO

a) The annual special assessment rates per unit for the Lee County Mandatory Garbage and Solid Waste Collection service areas, which includes all administrative fees, are hereby adopted as follows:

**UNINCORPORATED RESIDENTIAL,
CITY OF BONITA SPRINGS, AND THE TOWN OF FORT MYERS BEACH**

		<u>Total Annual Assessment</u>	<u>Hauler Monthly Collection Cost (Per Residential Unit)</u>
Service Area 1	Bonita Springs, Town of Fort Myers Beach	\$168.87	\$11.33
Service Area 2	South Fort Myers – West, Iona/McGregor, Captiva	\$158.07	\$10.42
Service Area 3	South Fort Myers – East, San Carlos Park, Villas	\$183.39	\$12.55
Service Area 4	East, Lehigh Acres, Alva	\$173.07	\$11.68
Service Area 5	Pine Island, North Fort Myers	\$199.11	\$13.87
Service Area 6	Boca Grande	\$183.31	\$11.36
Service Area 7	Outer Islands	\$7.17	N.A.

0

b)* The annual special assessment rates per unit for the fixed charges for the Lee County Solid Waste Disposal Facilities are hereby adopted as follows:

- 1) Incorporated Residential (per unit) \$4.80
- 2) Multi-family Residential (per unit) \$4.44
- 3) Recreational Vehicle (RV) Parks (per lot) \$0.72
- 4) Business and Institutions:
 - Category
 - A \$0.00153 per square ft.
 - B \$0.00522 per square ft.
 - C \$0.00890 per square ft.
 - D \$0.03254 per square ft.
 - E \$0.06509 per square ft.

5) MSTU (Cape Coral) Millage mills 0.05852 (Estimate)

* An administrative billing charge of \$2.37 per account will be added to the assessments for properties in items b (1) through b (4).

c) The fees and rates for the Lee County Solid Waste Facilities are hereby adopted as follows:

MSW Tipping Fee (w/ Dis Fac Assmt.)	\$36.00 per ton
MSW Gate Fee (w/ surcharges)	\$34.33 per ton
MSW Disposal Gate Fee (Customer paying Disposal Facility Assessment including surcharges)	\$40.33 per ton
Document Shredding Gate Fee	\$30.00 - \$35.00 per ton
Industrial/Special Waste Gate Fee	\$50.00 - \$60.00 per ton
Horticulture Disposal Gate Fee	\$22.65 per ton
Container Inspection (USDA)	\$50.00 per unit
Certified Destruction (WTE)	\$85.00 per ton
Lee County Surcharges for MSW (unincorporated franchisees, individual customers, Fort Myers Beach and Bonita Springs)	\$4.33 per ton

SECTION THREE

The rates and fees in Sections Two (a) and Two (b) reflect the annual rates that shall be in effect for the respective Lee County Solid Waste Service Areas, and for the facilities costs, and shall comprise the total annual charges for solid waste collection, disposal and facilities costs. Collection costs are included for unincorporated Lee County (excluding the outer islands), the Town of Fort Myers Beach and City of Bonita Springs residential properties.

Residential units applying for a Certificate of Occupancy during September 2014 shall pay the entire FY2014-2015 annual special assessment rate, per unit, for the appropriate Lee County Mandatory Garbage and Solid Waste Collection service area upon making such application.

SECTION FOUR

The effective dates for the above adopted rates and fees shall be from October 1, 2014 through September 30, 2015.

SECTION FIVE

Pursuant to Lee County Resolution No. 97-12-23 (incorporated herein in its entirety by reference), the Board hereby directs that the 2014-2015 Solid Waste Collection and Disposal Special Assessments and Facilities Assessments be placed onto the Lee County Tax Roll for collection by the Lee County Tax Collector per Section 197.3632, Florida Statutes for the 2014 tax year.

SECTION SIX

This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

The foregoing Resolution was offered by Commissioner Manning who moved its adoption. The motion was seconded by Commissioner Mann, and being put to a vote, the vote was as follows:

JOHN MANNING	Aye
CECIL PENDERGRASS	Aye
LARRY KIKER	Aye
BRIAN HAMMAN	Aye
FRANK MANN	Aye

DULY PASSED AND ADOPTED this 5th day of August, 2014.

ATTEST:
LINDA DOGGETT, CLERK

By: Marcia Wilson
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Sam O.
Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By: [Signature]
Office of the County Attorney