

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:

<i>Block 1</i>	<i>\$5.27 per 1,000 gallons</i>
<i>Block 2</i>	<i>\$6.27 per 1,000 gallons</i>
<i>Block 3</i>	<i>\$7.27 per 1,000 gallons</i>
<i>Block 4</i>	<i>\$8.27 per 1,000 gallons</i>

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 6, 2012.

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

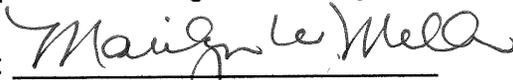
Bob Raymond, Mayor	<u>AYE</u>
Alan Mandel, Vice-Mayor	<u>AYE</u>
Jo List	<u>AYE</u>
Dan Andre	<u>AYE</u>
Joe Kosinski	<u>AYE</u>

ADOPTED ON THE 5TH DAY OF NOVEMBER, 2012.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Bob Raymond, Mayor

Approved as to legal sufficiency:

By: 
Town Attorney

Attest:

By: 
Michelle D. Mayher, Town Clerk