

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 07-50

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SETTING A HEARING ON THE PETITION FOR RATE ADJUSTMENT FILED BY THE TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC. FOR JANUARY 14, 2008 AT 5 P.M., APPROVING LEGAL NOTICE THEREOF; AND 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, Town Ordinance 01-03 established the relationship between the Town and the Town of Fort Myers Beach Public Works Services, Inc. (PWSI) with regard to provision of the Town's water supply and distribution system and the provision of the Town's water utility service and further states that the Town Council shall have the jurisdiction to review, consider and approve rates and charges with regard to the Town's water supply and distribution system; and

WHEREAS, the measures set forth in Town Ordinance 01-03 are necessary to provide for the protection of public health, safety, and welfare and to preserve the lives and property of the people of the Town; and

WHEREAS, PWSI filed a Petition for a Rate Adjustment with the Town on September 24, 2007, as permitted by Town Ordinance 01-03; and

WHEREAS, PWSI filed a Request for Hearing on Petition for Rate Adjustment on **December 10, 2007**, requesting that a hearing be set before Town Council on **January 14, 2008, at 5:00 pm** on the aforesaid Petition for Rate Adjustment; and

WHEREAS, Ordinance 01-03 requires the Town Council to hold at least one public hearing after due public notice prior to approval of any adjustments to rates and charges for the water utility.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. Setting of Hearing Date, Time and Location. The Town Council of the Town of Fort Myers Beach hereby sets the public hearing on the Petition for Rate Adjustment, filed by the Town of Fort Myers Beach Public Works Services, Inc., for **January 14, 2008, at 5 p.m. at in Council Chambers, Town Hall, 2523 Estero Boulevard, Fort Myers Beach, Florida 33931.**

Section 3. Notice of Public Hearing. The Town Council directs the Town Clerk to provide notice of this public hearing in accordance with Florida Statute 166.041, other Florida law and Town Ordinance, in the form set forth in Attachment A hereto, which is hereby incorporated by reference. This notice is in addition to the Notice required to be given to each Town water utility customer by PWSI, pursuant to F.S. 180.136.

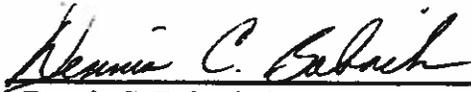
Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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

Dennis C. Boback, Mayor	aye
Larry Kiker, Vice Mayor	aye
Herb Acken	aye
Charles R. Meador, Jr.	aye
William Shenko, Jr.	aye

ADOPTED ON THE 10th DAY OF DECEMBER, 2007.

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to form and
Legal sufficiency:

By: 
Anne Dalton, Esquire Town Attorney

ATTEST:

By: 
Michelle D. Mayher, Town Clerk

ATTACHMENT "A"

TOWN OF FORT MYERS BEACH , FLORIDA
NOTICE OF INTENT TO HOLD HEARING TO CONSIDER INCREASE IN WATER
UTILITY RATES PURSUANT TO PETITION FILED BY TOWN OF FORT MYERS
BEACH PUBLIC WORKS SERVICES, INC.

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT ON THE 14TH OF JANUARY, 2008, AT 5:00 P.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 a Resolution to increase Town water rates to pass along to Town utility customers those certain bulk water tariff increases by Lee County. This rate increase was proposed by the Town water utility corporation, known as the Town of Fort Myers Beach Public Works Services, Inc. in its Petition for Rate Adjustment, filed with the Town on September 24, 2007. The captioned title of the proposed Town Resolution is as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH **APPROVING/DENYING** THE PETITION OF THE TOWN OF FORT MYERS BEACH PUBLIC WORKS SERVICES, INC. FOR A RATE INCREASE IN WATER CHARGES TO TOWN UTILITY CUSTOMERS TO PASS ALONG LEE COUNTY BULK WATER RATE INCREASES; PROVIDING FOR AN EFFECTIVE DATE.

1. Copies of this Notice and the Proposed Resolution 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 Resolution 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 Resolution.

3. Any rate payer affected by this Petition may protest the proposed rate increase by filing a written protest with the Town Manager prior to or at the hearing or by hearing 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 Resolution 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 water rates, such increase will take effect on February 1, 2007.

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.

PLEASE GOVERN YOURSELF ACCORDINGLY.

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:

ANNE DALTON, ESQUIRE, TOWN ATTORNEY

AD SIZE: 2 X 5

PUBLISHING DATES: 12/24/07; 12/31/07; 1/7/08

AFFIDAVIT OF PUBLICATION REQUESTED