

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
NOV 17 2009 *CS/JB*

RESOLUTION NO. 2009-M-60

A RESOLUTION ADOPTING A PRELIMINARY COMMERCIAL IRRIGATION CHARGE SCHEDULE FOR POTABLE WATER USED FOR IRRIGATION BY COMMERCIAL CUSTOMERS; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Orange County (the "Board") establishes and collects rates, fees, and charges for its water system pursuant to its home rule powers granted to the County by the Florida Constitution, the Orange County Charter, Chapter 125 of Florida Statutes and any other applicable statutory authority; and

WHEREAS, Section 153.11 , Florida Statutes, requires a public hearing be conducted after adoption by resolution of a preliminary schedule fixing and classifying rates, fees, and charges; and

WHEREAS, the Board hereby establishes the preliminary schedule of rates, fees and charges for the class of customers set forth in the attached schedule, and the Board expresses its intent to schedule a public hearing to consider the adoption of the revised fee schedule in accordance with Section 153.11, Florida Statutes; and

WHEREAS, the Board understands the need to conserve and extend the County's water supply through efficient watering practices and conservation initiatives and determines that adoption of this preliminary water conservation rate structure helps achieve such conservation objectives; and

WHEREAS, the Board has heard a report from staff on the proposed irrigation rate structure for commercial customers within its water service area; and

WHEREAS, as a result, the Board now declares the intent to implement the recommendations of that report by revising its water system's rates, fees and charges to include a preliminary commercial irrigation water rate schedule for commercial customers with irrigation meters one inch or larger;

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

Section 1. Preliminary Commercial Irrigation Charge Schedule. The Board hereby adopts the Preliminary Commercial Irrigation Charge Schedule attached to and incorporated herein as Exhibit "A". To comply with state law, the preliminary charges are adopted but will only be implemented following a future public hearing. at which time these rates will be made permanent. The rates set forth in this Resolution shall be effective as to the customer class described herein. The attached Schedule supplements by adding a new customer class but does not otherwise supersede, replace, or amend the presently existing Water System Charge Schedule adopted July 23, 2009.

Section 2. Public Hearing. The Board hereby expresses its intent to conduct a public hearing prior to the final adoption of a Commercial Irrigation Charge Schedule, and directs staff to conduct said public hearing, giving notice of such public hearing in accordance with applicable laws or ordinances.

Section 3. Severability of Provision. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the valid provision or application and to this end the provisions of this Resolution are declared severable.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

EXHIBIT "A"

**ORANGE COUNTY
PRELIMINARY COMMERCIAL IRRIGATION CHARGE SCHEDULE**

Commercial Irrigation Charges (For all commercial customers with irrigation meters 1 inch and greater.)

Irrigable Acreage Range: Up to 0.49 acres

-	0 - 34,000	\$1.35 per 1,000 gallons
-	35,000 - 68,000	\$2.68 per 1,000 gallons
-	69,000 and above	\$5.35 per 1,000 gallons

Irrigable Acreage Range: 0.50 to 0.99 acres

-	0 - 67,000	\$1.35 per 1,000 gallons
-	68,000 - 134,000	\$2.68 per 1,000 gallons
-	135,000 and above	\$5.35 per 1,000 gallons

Irrigable Acreage Range: 1.00 to 1.49 acres

-	0 - 101,000	\$1.35 per 1,000 gallons
-	102,000 - 202,000	\$2.68 per 1,000 gallons
-	203,000 and above	\$5.35 per 1,000 gallons

Irrigable Acreage Range: 1.50 to 1.99 acres

-	0 – 135,000	\$1.35 per 1,000 gallons
-	136,000 - 270,000	\$2.68 per 1,000 gallons
-	271,000 and above	\$5.35 per 1,000 gallons

Irrigable Acreage Range: 2.00 to 3.99 acres

-	0 – 269,000	\$1.35 per 1,000 gallons
-	270,000 - 538,000	\$2.68 per 1,000 gallons
-	539,000 and above	\$5.35 per 1,000 gallons

Irrigable Acreage Range: 4.00 to 12.99 acres

-	0 – 874,000	\$1.35 per 1,000 gallons
-	875,000 – 1,748,000	\$2.68 per 1,000 gallons
-	1,749,000 and above	\$5.35 per 1,000 gallons

Irrigable Acreage Range: 13.00 to 24.99 acres

-	0 – 1,681,000	\$1.35 per 1,000 gallons
-	1,682,000 – 3,362,000	\$2.68 per 1,000 gallons
-	3,363,000 and above	\$5.35 per 1,000 gallons

EXHIBIT "A"

**ORANGE COUNTY
PRELIMINARY COMMERCIAL IRRIGATION CHARGE SCHEDULE**

Irrigable Acreage Range: 25.00 to 43.99 acres

- 0 – 2,959,000 \$1.35 per 1,000 gallons
- 2,960,000 – 5,918,000 \$2.68 per 1,000 gallons
- 5,919,000 and above \$5.35 per 1,000 gallons

Irrigable Acreage Range: 44.00 acres and above

- 0 – 4,690,000 \$1.35 per 1,000 gallons
- 4,691,000 – 9,380,000 \$2.68 per 1,000 gallons
- 9,381,000 and above \$5.35 per 1,000 gallons

ADOPTED THIS _____ DAY OF NOV 17 2009, 2009.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: Richard T. Crotty
Richard T. Crotty,
County Mayor

ATTEST: Martha O. Payne, County Comptroller
As Clerk to the Board of County Commissioners

BY: Karan Hampton
Asst Deputy Clerk F172-D-02

Schedule 3-Amended
Host Fee Obligation

The Company shall pay the County a Host Fee of \$7.50 per ton of all inbound Program Materials and the first 30,000 tons of Non-Program Materials per Program Year, and \$5.50 per ton of inbound Non-Program Materials over 30,000 tons per Program Year, less Rejected Deliveries and less all glass with a market value of less than \$1 per ton ("Sub-Value Glass").

Example 1: Non-Program Materials are below 30,000 tons per Program Year.

Total Inbound Program Tons	3,000 (per scale report)
Inbound Non-Program Tons (<u>under</u> 30,000 total)	4,000 (per scale report)
Inbound Non-Program Tons (<u>over</u> 30,000 total)	0 (per scale report)
Less Sub-Value Glass	500 (per scale report)

	6,500
	X \$7.50
	=====
Monthly Host Fee	<u>\$48,750</u>

Example 2: Non-Program Materials are above 30,000 tons per Program Year.

Total Inbound Program Tons	4,000 (per scale report – 40% of total inbound tonnage)
Inbound Non-Program Tons (<u>under</u> 30,000 total)	0 (per scale report)
Inbound Non-Program Tons (<u>over</u> 30,000 total)	6,000 (per scale report – 60% of total inbound tonnage)
Less Sub-Value Glass	500 (per scale report)

	(9,500 x .40 x \$7.50) + (9,500 x .60 x \$5.50)
Monthly Host Fee	\$28,500 + \$31,350 = <u>\$59,850</u>

ADDITIONAL RECYCLABLES:

The Host Fee to be paid by Company to the County for Additional Recyclables shall be negotiated by the parties on case by case basis.

Schedule 8-Amended
Guaranteed Solid Waste Tonnage Amount

The Company shall deliver the following amounts of Class I Commercial Solid Waste to County Facilities:

Class I Waste Delivery Guarantee – Tons

Program Year		Minimum daily average per month	Monthly Guaranteed Tonnage
1	7/01/2010 – 06/30/2011	210	5,460
2	7/01/2011 – 06/30/2012	210	5,460
3	7/01/2012 – 06/30/2013	200	5,200
4	7/01/2013 – 06/30/2014	200	5,200
5	7/01/2014 – 06/30/2015	190	4,940
6	7/01/2015 – 06/30/2016	190	4,940
7	7/01/2016 – 06/30/2017	190	4,940

The Company shall not deliver in excess of 600 Tons of solid waste to any single Landfill or 200 Tons to any single County transfer station, during any one day.