

RESOLUTION NO. \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS' DETERMINATION UNDER  
SECTION 2, ORDINANCE NO. 79-32

FINDINGS

1. The Board of County Commissioners is considering the adoption of amendments to its Sewer Environmental Conservation Fee Resolution.

2. Passage of the Resolution will set up classes of customers who can either defer payment of or be exempted from the Sewer Environmental Conservation Fee.

3. The proposed amendments to the Sewer Environmental Conservation Fee Resolution, then, will have an economic impact on development in Orange County in that for certain classes of customers, the cost of connecting to the County's sewer system will be reduced to a more just and equitable fee.

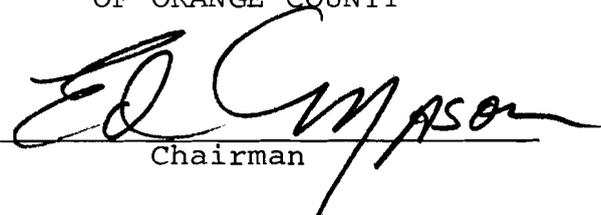
NOW, THEREFOR, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. The Board of County Commissioners does hereby determine and find, pursuant to Section 2(b), Orange County Ordinance No. 79-32, that sufficient information has been provided for the Board to assess the economic impact of the proposed Resolution adopting amendments to the Sewer Environmental Conservation Fee Resolution dated December 1, 1980, on the development of real property in Orange County.

Section 2. The Board of County Commissioners does hereby determine that no further economic impact statement for economic impact information is required in this matter.

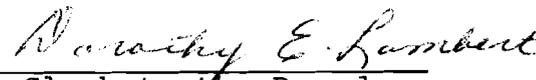
ADOPTED THIS 14th DAY OF APRIL, 1981.

BOARD OF COUNTY COMMISSIONERS  
OF ORANGE COUNTY

BY: 

Chairman

ATTEST:

  
Clerk to the Board  
of County Commissioners

APR 14 1981

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION SETTING FORTH AMENDMENTS TO THE SEWER ENVIRONMENTAL CONSERVATION FEE RESOLUTION; AMENDING SECTION 3 OF THE RESOLUTION TO EXEMPT THOSE CUSTOMERS ULTIMATELY SERVED PURSUANT TO WHOLESALE AGREEMENT AT NON-COUNTY PLANTS FROM PAYMENT OF SAID FEE; AMENDING SECTION 3 OF THE RESOLUTION BY EXEMPTING CUSTOMERS WHO CONNECT TO PACKAGE PLANT SYSTEMS FOR WHICH THE COUNTY HAS NO PLANS TO DISCONNECT FROM THE PAYMENT OF SAID FEE; AMENDING SECTION 3 TO PERMIT THE DEVELOPER TO DEFER THE PAYMENT OF SAID FEE FOR CUSTOMERS WHO CONNECT TO PACKAGE PLANT SYSTEMS FOR WHICH THE COUNTY HAS PLANS TO DISCONNECT, PROVIDED THE DEVELOPER PROVIDES ADEQUATE SECURITY TO THE COUNTY; AMENDING SECTION 3 BY PERMITTING THE COUNTY TO EXEMPT CUSTOMERS FROM THE PAYMENT OF SAID FEE TO THE EXTENT THE COUNTY ACCEPTS A CONTRIBUTION IN AID OF CONSTRUCTION; AMENDING SECTION 4 RELATING TO THE SEWERAGE SYSTEM CAPITAL IMPROVEMENTS FUND; PROVIDING AN EFFECTIVE DATE.

PREMISES

1. The Board of County Commissioners adopted a Sewer Environmental Conservation Fee of SIX HUNDRED (\$600.00) DOLLARS per equivalent residential unit connection by Resolution dated December 1, 1980, (see attached Exhibit 1).
2. Section 3 of the Sewer Environmental Conservation Fee Resolution provided that all new customers who connect to the County's sewerage system must pay the Sewer Environmental Conservation Fee in addition to the present connection fee.
3. Section 4 of the Resolution provides that the Sewer Environmental Conservation Fees collected will be deposited into a separate fund.
4. Section 4 of the Resolution also limits the use of the fees in the separate fund for the construction and acquisition of additions and extensions to sewage treatment plants, interceptor systems, transmission mains and lines, pump stations, irrigation systems, land and other costs necessary to provide additional capacity and sewer service to those new customers who connect to the County's sewerage system.
5. Since the adoption of the Resolution, the Florida Department of Environmental Regulation has announced its intent to adopt amendments to Section 17-4.26, Florida Administrative Code, thereby deleting any requirement that a sewage treatment and collection system tie into or be capable of tying into a regional treatment system in order to receive a permit.
6. Since the adoption of the Resolution, the Board of County Commissioners has ascertained that certain classes of new customers will either not impose a burden on the County's sewerage system requiring the expenditure of funds for capital construction derived from the Sewer Environmental Conservation Fee or will impose such a burden at an undetermined date in the future.
7. It is the policy and object of the Board of County Commissioners to insure that rates, charges, and fees levied to pay for the costs of the sewerage system acquisitions, additions, and expansions are just and reasonable and cover the true cost of the said acquisitions, additions, and expansions.

8. It is just and reasonable that the cost of the new sewerage system facilities should be borne by the new users only to the extent that new use requires new facilities so that new users shall pay their fair share based on the additional burden their use places on the County's sewerage system.

9. The Board of County Commissioners adopted a Resolution which set forth preliminary amendments to the Sewer Environmental Conservation Fee Resolution on March 30, 1981.

10. The Board of County Commissioners then scheduled and held, pursuant to Section 153.11(3)(a), Florida Statutes, a public hearing on April 14, 1981, to allow public comment on this Resolution setting forth preliminary amendments to the Sewer Environmental Conservation Fee Resolution.

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

Section 1. Section 3 of the Resolution adopted December 1, 1980, is hereby amended to read as follows:

"Section 3. This Sewer Environmental Conservation Fee will be paid in addition to the present applicable sewer connection fee by those new customers who connect to the County's sewerage system, except as follows:

(a) Those customers who connect to a sewerage system which sewage flows are ultimately treated pursuant to a wholesale agreement at a plant neither owned nor operated by the County shall be exempt from the Sewer Environmental Conservation Fee;

(b) Those customers who connect to a package sewerage system for which, as determined by the County, there is no existing plan to disconnect the package plant and transmit such flows to a regional, sub-regional, or area-wide wastewater treatment plant, owned, operated, or participated in by the County, shall be exempt from the Sewer Environmental Conservation Fee;

(c) Those customers who connect to

an interim or package sewerage system for which, as determined by the County, there is an existing plan to disconnect such system and connect the customers thereof to a regional, sub-regional, or area-wide wastewater treatment plant owned, operated, or participated in by the County, shall pay all Sewer Environmental Conservation Fees; however, the developer may defer the payment of such Sewer Environmental Conservation Fees by providing to the County security which is adequate and satisfactory to the County to insure the payment of all Sewer Environmental Conservation Fees at the time the interim or package sewerage system is disconnected and the customers thereof connected to the regional, sub-regional, or area-wide wastewater treatment plant owned, operated, or participated in by the County. If, after adequate security is provided by the developer, the County should determine that the interim or package system will not be disconnected and the customers thereof will not be connected to the regional, sub-regional, or area-wide wastewater sewerage system, then upon making such determination the security given by the developer shall be released and returned to the developer;

(d) The County may exempt any customer from the payment of any portion of the Sewer Environmental Conservation Fee to the extent that the County accepts a contribution in aid of construction having a value of not less than the portion of the Sewer Environmental Conservation Fee being exempted."

Section 2. Section 4 of the Resolution dated December 1, 1980, is hereby amended to read as follows:

"Section 4. The fees collected pursuant to this Resolution shall be deposited into ~~a-fund~~ an account called the Orange County Sewerage System Capital Improvements ~~Fund~~ Account. The fees deposited in the above-mentioned ~~fund~~ account shall be used only for the construction or acquisition of additions and extensions to sewage treatment plants, interceptor systems, transmission mains and lines, pump stations, irrigation systems, land and other costs necessary to provide additional capacity and sewer service to those new customers who connect to the County sewerage system."

Section 3. This Resolution shall take effect upon adoption.

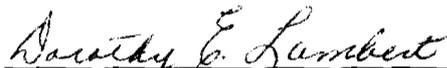
ADOPTED THIS 14th DAY OF APRIL, 1981.

BOARD OF COUNTY COMMISSIONERS  
OF ORANGE COUNTY

BY:

  
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