

RESOLUTION NO. 06 -27

A SUPPLEMENTAL RESOLUTION RATIFYING, APPROVING AND CONTINUING THE EXTENSION OF THE WASTEWATER COLLECTION AND TREATMENT SYSTEM FACILITIES TO ELIMINATE THE NEED FOR ON SITE SEPTIC AND TREATMENT SYSTEMS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, THAT:

SECTION 1. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law.

(B) Chapter 180, Florida Statutes, provides municipalities with additional and supplemental authority to provide municipal public works.

(C) The Marco Island City Council adopted Ordinance No. 2003-13 in accordance with Chapter 180, Florida Statutes, which among other matters established an Urban Service Area, and thereafter the City acquired a water and wastewater utility system in November 2003, hereinafter referred to as Marco Island Utilities (MIU).

(D) The Marco Island City Council did, on June 7, 2004, conduct a Utility Business Plan public hearing and determined to proceed with the planning of a

gravity flow sewer collection system to serve the unsewered areas within the Urban Service Area and corporate limits of Marco Island.

(E) The Marco Island City Council adopted the Utility Business Plan on January 31, 2005, including the Ten-Year Capital Improvement Program that provided for the extension of the sanitary sewer collection system to serve the unsewered areas on and around Marco Island.

(F) The Marco Island City Council has determined to proceed with the extension of the central sewer collection system to serve those geographic areas within the City that lacked centralized collection and treatment system, herein referred to as the Septic Tank Replacement Program, on April 29 and June 6, 2005. The extension of the sewerage system has been planned as a phased approach over approximately seven years, and City Council, employing its home rule power, established the first two assessment areas for the extension of the sewerage system through the establishment of the Tigertail Assessment Area and the South Barfield Assessment Area on August 1, 2005. On October 17, 2005 City Council did adopt Resolution No. 05-70 and Resolution No. 05-72 to authorize the issuance of bonds to finance construction of sewer improvements within the foregoing two assessment areas or districts, and Resolution No. 05-71 to amend the Master Bond Resolution to provide for assessments as a means to finance expansion of the central wastewater collection system. The contracts for the construction of the extended sewerage system for the South Barfield Sewer District was on February 6, 2006 and the Tigertail Area Assessment District on March 6, 2006.

(G) The Marco Island City Council did affirm its desire to proceed with the Septic Tank Replacement Program to provide centralized sewer collection services to address unsewered areas of the City on April 9, 2006 and awarded contracts for engineering services for the design of a central wastewater collection system for the three additional assessment areas that are currently without such centralized collection facilities.

(H) The Florida Legislature adopted House Bill 749, to amend Section 180.03, Florida Statutes, during the 2006 Legislative Session with such bill becoming law as of July 1, 2006.

(I) The amended statute, Section 180.03(3), Florida Statutes, provides “that for an extension of an existing sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Health on the history of on site sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed sewerage system versus installing, operating, and properly maintaining an on site sewage treatment system that is approved by the Department of Health and that provides for a comparable level of environmental and health protection as the proposed central sewerage system.”

(J) Notwithstanding that (1) Chapter 180, Florida Statutes is alternative and supplemental authority for the City to engage in the provision of central sewerage collection and treatment services and facilities, (2) the assessments to extend the City’s sewerage system are imposed under the home rule authority

vested in the City by the Florida Constitution and Chapter 166, Florida Statutes, and (3) the extension of the central sewer collection system throughout the unsewered areas served by Marco Island Utilities (MIU) was previously approved in 2005; the Marco Island City Council desires to adopt this Resolution which is none the less consistent with the provisions of Section 180.03(3), Florida Statutes.

SECTION 2. POLICY. It is the policy of the City of Marco Island, through the Marco Island Utilities (MIU), to extend the central sewer collection system in phases, as previously determined and approved by the City Council prior to the effectiveness of Section 180.03 (3), Florida Statutes, to provide central sewer collection and treatment to the unsewered areas of the City.

SECTION 3. SEPTIC TANK REPLACEMENT PROGRAM. The extension of the central sewer collection system by the Marco Island Utilities (MIU) is commonly referred to and known as the Septic Tank Replacement Program. The cost of such extension is estimated to be \$122,800,000. This estimate is subject to, among other matters, changes or increases in cost of materials, labor, and the cost of financing over the period of time necessary to extend the collection system throughout all unsewered areas served, or to be served by Marco Island Utilities (MIU).

SECTION 4. REVENUES. The Septic Tank Replacement Program shall be funded, in whole or in part, through the imposition of special assessments upon those properties benefiting from receipt of the extended central sewer collection system; from grants that have or may be received for the Septic Tank Replacement Program; and from any other legally available revenue source that

has been or may be determined to be appropriate for the funding of the Septic Tank Replacement Program.

SECTION 5. FINANCING. Tax exempt revenue bonds or any other means of financing the Septic Tank Replacement Program available to the City may be used as determined appropriate by the Marco Island City Council.

SECTION 6. STUDY. A study providing for a comparison of the projected costs to the owner of a typical lot or parcel connecting to and using the proposed central sewerage system versus installing, operating, and properly maintaining an on site sewage treatment system that is approved by the Department of Health and that provides for a comparable level of environmental and health protection as the proposed central sewerage system has been conducted and is attached hereto and incorporated herein as Exhibit A. Also included in Exhibit A is information from the State of Florida Department of Health on the history of on site sewage treatment and disposal systems currently in use in the City of Marco Island.

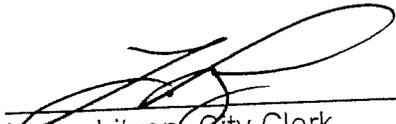
SECTION 7. IMPLEMENTATION OF SEPTIC TANK REPLACEMENT PROGRAM. Having considered the information referenced herein, and other information previously presented to and made available to the City Council, the City Council hereby confirms and determines to continue to proceed with the implementation of the Septic Tank Replacement Program in accordance with the terms and conditions previously approved or as may be approved in the future.

SECTION 9. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

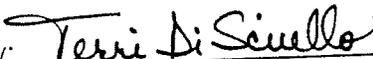
Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida this 7th day of August 2006.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA



Laura Litzan, City Clerk

By: 

Terri DiSciullo, Council Chairwoman

Approved as to Form:



Richard D. Yovanovich, City Attorney

EXHIBIT A
STUDY AND HISTORICAL INFORMATION

This original document
is in 2006 Archives
LML

City of Marco Island Comparative Costs of Onsite Sewage Treatment & Disposal Systems versus Central Sewer Systems

City of Marco Island

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August 1, 2006

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