

RESOLUTION 22-03-01

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE LEHIGH ACRES FIRE CONTROL AND RESCUE DISTRICT, LEE COUNTY, FLORIDA, TO ESTABLISH USER FEES, EXCEPT AMBULANCE USER FEES, AUTHORIZED BY FLORIDA LAW; TO RESCIND ALL RESOLUTIONS AND FEE SCHEDULES IN CONFLICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR LIBERAL CONSTRUCTION; TO PROVIDE FOR SCRIVENER'S ERRORS; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 191 of the Florida Statutes, in particular § 191.006(11), authorizes the Board of Commissioners, by Resolution, to establish and charge user fees in amounts necessary to conduct District activities and services; and,

WHEREAS, § 191.009(3) of the Florida Statutes authorizes the Board of Commissioners to provide for a reasonable Schedule of user charges, including but not limited to, charges for special emergency services, for fighting fires as a result of an illegal burn, for responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment, including a charge for responding to false alarms, and for inspecting structures, plans, and equipment to determine compliance with fire safety codes and standards; and,

WHEREAS, § 191.009(3)(e) of the Florida Statutes provides that the District shall have a lien upon any real property, motor vehicle, marine vessel, aircraft, or railcar for any charges assessed under § 191.009(3), Florida Statutes; and

WHEREAS, the Board of Commissioners has determined that user fees in the amounts described in the Schedule of Fees attached hereto as Exhibit A are necessary to conduct District activities and services.

NOW THEREFORE, be it resolved by the Board of Commissioners of the Lehigh Acres Fire Control and Rescue District, that:

SECTION ONE. INCORPORATION OF RECITALS.

The recitals set forth above are true and correct and form a part of this Resolution.

SECTION TWO. AUTHORITY.

The Board of Commissioners of the District is authorized to adopt this Resolution by Chapter 191, Florida Statutes, especially § 191.006(11) and § 191.009(3), Florida Statutes, and other applicable laws.

SECTION THREE. ESTABLISHMENT OF SCHEDULE OF FEES.

The Board of Commissioners hereby finds that it is necessary to charge user fees to conduct District activities and services in the amounts described in the Schedule of Fees attached hereto and made a part hereof as Exhibit A. The Schedule of Fees attached hereto and made a part hereof as Exhibit A is hereby adopted as the Schedule of Fees for the District on all matters described in the said Schedule of Fees.

SECTION FOUR. LIENS IN FAVOR OF THE DISTRICT.

As authorized by § 191.009(3)(e), Florida Statutes, the District shall have a lien upon any real property, motor vehicle, marine vessel, aircraft, or railcar for any charge assessed under § 191.009(3), Florida Statutes, including the charges described in the Schedule of Fees attached hereto as Exhibit A.

SECTION FIVE. RESCISSION OF ALL RESOLUTIONS IN CONFLICT.

The Board of Commissioners hereby rescinds all prior Resolutions and other official action of the Board of Commissioners to the extent of any conflict with any part of this Resolution or the contents of Exhibit A attached hereto. In particular, the Board of Commissioners hereby rescinds any prior adopted fees of the District to the extent of any conflict with any part of the Schedule of Fees attached hereto and made a part hereof as Exhibit A.

SECTION SIX. SEVERABILITY.

If any section, subsection, sentence, clause, or other provision of this Resolution is held invalid, unconstitutional, inoperative, or void by a court of competent jurisdiction, such portion will be deemed a separate provision, and such holding shall not affect the remainder of this Resolution or of the Schedule of Fees attached hereto and made a part hereof as Exhibit A. The Board of Commissioners further declares its intent that this Resolution would have been adopted even if such invalid or unconstitutional provision was not included herein.


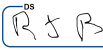



SECTION SEVEN. SCRIVENER'S ERRORS.

The Board of Commissioners intends that all sections of this Resolution and of the Schedule of Fees, attached hereto and made a part hereof as Exhibit A, which contain typographical errors that do not affect the intent of this Resolution or the Schedule of Fees attached hereto as Exhibit A can be administratively corrected by the authorization of the District's Fire Chief, or his designee, without the requirement of having the corrected Resolution having to be adopted by the Board of Commissioners.

SECTION EIGHT. CONSTRUCTION AND EFFECTIVE DATE.

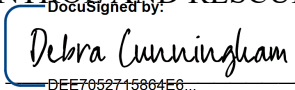
This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon April 1, 2022.

THE FOREGOING RESOLUTION WAS OFFERED BY COMMISSIONER SHERMAN WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY COMMISSIONER BENNETT AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

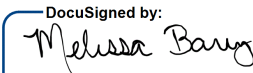
Commissioner Melissa Barry	<u>AYE</u> 
Commissioner Robert Bennett	<u>AYE</u> 
Commissioner Linda Carter	<u>AYE</u> 
Commissioner Debra Cunningham	<u>AYE</u> 
Commissioner Lucia Sherman	<u>AYE</u> 

Duly passed and adopted on this 29th day of March, 2022.

BOARD OF COMMISSIONERS OF
THE LEHIGH ACRES FIRE
CONTROL AND RESCUE DISTRICT

By: 
DocuSigned by: DEE7052715804E6...

Debra Cunningham, Chair

Attest: 
DocuSigned by: 54CDC211A29E48Z...

Melissa Barry, Secretary