

November 28, 2016

Bonita Springs Water and Sewer Monopoly Franchise Extension Reforms 1/2

Lee County Commissioners:

You are scheduled to vote on the 5 year renewal on top of the 25 year renewal of the Bonita Springs Water and Sewer Monopoly franchise. BSU Monopoly is not regulated by the State Public Service Commission! The Bonita Springs City Council and Lee County Commissioners are the only consumer protection for Lee County ratepayers.

I respectfully suggest, again as I suggested before the 2011 BSU Monopoly franchise extension vote, a Ratepayer Bill of Rights for Bonita Water/Sewer Monopoly (BSU). I urge you to require BSU Water and Sewer Monopoly to voluntarily adopt these Ratepayer Bill of Rights as a condition of renewing the BSU Water and Sewer Monopoly franchise. The Bonita City Council and Lee County Board of Commissioners can and should adopt various good government requirements of this water and sewer monopoly franchise as your board does with the solid waste and cable franchises. The Ratepayer Bill of Rights includes:

1. One person, one vote, not one vote per water line which means the condos and apartments which have a community water line cannot have one person one vote and cannot run for this BSU Board.
2. Florida Sunshine and Open meetings laws and campaign finance disclosure rules should apply to the BSU, just like the City Council and Commissioners.
3. No take home cars for personal use by employees like BSU Director and other staff.
4. Require the BSU elected officials to have individual emails for direct communication with constituents, just like the Bonita City Council and Lee Board.
5. Require competitive bids for professional services contracts like attorneys and CPAs with preference given to Lee County businesses.

The full Rate Payer Bill of Rights for Bonita Water and Sewer Monopoly are listed below for your consideration.

This BSU threatened to sue the City of Bonita Springs after the Council majority voted against a three year 39% above the CPI rate increase in 2010. A few weeks later the BSU dropped their threat and refinanced their bonds with a lower interest rate with a higher bond rating--without the 3 year 39% increase over inflation! BSU has made several management mistakes including building unneeded capacity to serve areas outside of their franchise, under charging for services to some communities for reclaimed water for irrigation and allowing staff to use company cars on personal business.

In 2011 when the last five year extension on top of a 20 year franchise extension was proposed by the BSU Water and Sewer Monopoly, three of seven Bonita Springs City Council people voted to delay the BSU Monopoly franchise extension until staff could meet to review proposed BSU reforms and accountability suggestions. Please emailed me a copy of the Bonita Springs staff report of their 2011 and 2016 opinion about the City Council's ability to require BSU Water and Sewer Monopoly to voluntarily adopt these reforms as a condition of an extension of the Water and Sewer Monopoly?

The Rate Payers' Bill of Rights should include at a minimum:

1. **One person, one vote**, not one water line one vote. Allow members to run if they come from a multi-family community service by a community water line. BSU rules do not allow candidate to run for their board unless they have a single water line house. Require BSU Board members to be elected in the November General election overseen by the Lee County Clerk, not a separate December/January election costing extra money and discouraging people from participating in an unfamiliar special election.

Bonita Springs Water and Sewer Monopoly Franchise Extension Reforms 2/2

2. **Florida Sunshine laws:** Require BSU Water and Sewer Monopoly to voluntarily comply with all the Florida Sunshine laws: Freedom of Information, Open Meetings Act, require disclosure of conflicts of interest (always call a monopoly a monopoly)
3. **Prohibit take home cars for personal use** by the Director and other staff.
4. **Anti-nepotism:** No hiring of family members as employees or contractors
5. Require **competitive bids for professional services** every year or two.
6. **Campaign Sunshine Rules:** Require candidates to file campaign finance disclosure statements to the County Clerk just like city, school, county and state government candidates. Prohibit contractors from contributing to BSU candidates. Prohibit candidates and incumbents from receiving gifts from contractors.
7. **Pension Cost Sharing:** Require BSU employees to pay 3% of their pay into their pension just like all other Florida public employees.
8. **Health Care Cost sharing:** Require BSU employees to pay part of health care for themselves and family same as County Government.
9. **No automatic rate increases:** All increases should be submitted to the state public service Commission scientists, engineers and economists for justification, just like electric and gas rates.
10. **Televising the Board meetings.** Require that all BSU Monopoly Board members have pictures and emails for direct accountability to the rate payers. Now all emails go through appointed Director. Board members are not even listed on the BSU website: <https://www.bsu.us/>.
11. **End the automatic Christmas bonuses and longevity bonuses.**
12. **Require BSU monopoly to submit their rate increases for approval by** the Florida Public Service Commission just like the electric and cable monopolies must do for rate increases in Florida. The Florida Public Service Commission employs full time scientists, economics and other rate increase research professionals which the City of Bonita Springs and Lee County Government do not have to protect the citizens from unjustified rate increases and improper BSU operations and money borrowing.
13. **Prohibit conflict of interest appointments to the BSU Water and Sewer Monopoly.** In 2010 former Bonita Springs Mayor Ben Nelson, voted in favor of the three year 39% above the CPI rate increase. In 2016 former Mayor Ben Nelson was appointed to the BSU Board. Payback? Ben Nelson and his father previously served on the BSU Board. **A five year cooling off period before a Bonita Springs Council Member or Mayor or County Commissioner could be appointed to the BSU Water and Sewer Monopoly. Drain the Swamp!**

Thank you for your consideration,

David Jaye
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Attached: Abuse of taxpayer dollars by BSU Monopoly staff using BSU vehicle to attend a Fossil show in Ft. Myers.

December 4, 2011

Hello BSU Board Members,

What was the official business reason why a Bonita Springs Utility Truck in Ft. Myers Saturday Dec 3, 2011 around 1:10pm at the Ft. Myers Calusa Nature Center & Planetarium? The license plate was approximately TAO 186.

Thank you for your inquiry into this matter. During these times of high unemployment, your utility fee increases, your pay increases and water and sewer usage declines, please provide the businesses case to explain why a Saturday trip outside of the Utility District to a Park/Planetarium far north of Bonita Springs was justified.

Thank you.

**David Jaye
25810 Hickory Blvd #603
Bonita Springs, FL 34134**

PS. Why is it that your web site does not allow utility customers to copy themselves an email inquiry? I sent this email a few minutes ago.

<http://www.bonitaspringsutilities.com/>

12-15-11 992-0711 Director Fred Partin's explanation of a Bonita Springs Water and Sewer Monopoly truck being parked on a Saturday at the Fossil Show at the Calusa Nature and Wildlife Center: A Salary Employee was taking samples to Lee County Lab and stopped in to visit on the way. However, the Lee County Environmental Testing lab does not accept Water samples on Saturdays. Water samples go stale and would be spoiled if left over the weekend. Partin said, "I don't have to answer your questions, I don't have to provide you with information. I'm not interested in your experience with water samples from your family's new well in Michigan. I don't have to provide you with information on why the sample was not mailed and if it would be cheaper."

Robert Sharkey says he lives next door to the BSU Salaried Employee who is retiring on December 31, 2011.