

Memorandum



Date: (Second Reading 12-05-06)
September 26, 2006

To: Honorable Chairman Joe A. Martinez and Members,
Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Creating Sections 32-83.1 of the Miami-Dade County Code

Agenda Item No. 7(D)

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve and adopt the attached ordinance creating Sections 32-83.1 of the Miami-Dade County Code. This new section will require for publicly owned water distribution systems served by the Miami-Dade Water and Sewer Department (MDWASD) to prepare water conservation plans and submit same to the County.

BACKGROUND

The Water Use Efficiency Five-Year Plan adopted by the Board through Resolution R-468-06 includes requirements for water conservation planning, implementation and reporting by wholesale customers (Section 4.2.9). MDWASD has existing contracts with the fifteen (15) wholesale customers; these contracts contain language relating to water conservation, most particularly in drought situations. The essence of the agreement is that if there is a shortage in the supply of water, wholesale customers will curtail their usage to the same extent as MDWASD. At this time there are no specific conservation requirements beyond the drought scenario.

MDWASD is presently developing a twenty-year water conservation plan as a requirement of the Interim Consumptive Use Authorization and Agreement with the South Florida Water Management District (SFWMD). In order to accurately determine the water demand projections and propose water demand reduction goals it is necessary to account for all water produced by MDWASD. In order to accomplish this task it is necessary to have the wholesale customers develop plans similar to the one developed for MDWASD's retail service area.

The 20-year plan presently under development by MDWASD utilizes the Department of Environmental Protection web-based Conserve Florida Guide. The wholesale customers would be required to use this tool in the development of their plans to allow MDWASD to consolidate the plans of the wholesale customers and combine them with the 20-year plan. This practice will also facilitate the annual reporting to the Board and the SFWMD. MDWASD will provide assistance to the wholesalers in the development of their water conservation plans and in the use of the Conserve Florida Guide. The adoption of this ordinance will provide a strategic advancement in water conservation effectiveness to MDWASD. Historically, utilities with wholesale customers have typically been ultimately responsible for the implementation of water conservation measures and best management practices, and general demand management that are required by consumptive use permits. Yet, there has been no authority to require their wholesale customers to help them meet demand management goals.

Assistant County Manager

Memorandum



Date: December 5, 2006
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burgess
County Manager
Subject: Ordinance Creating Section 32-83.1 of the Miami-Dade County Code

The ordinance creating Section 32-83.1 of the Miami-Dade County Code requires publicly owned water distribution systems served by the Miami-Dade Water and Sewer Department to prepare water conservation plans and to submit the plans to Miami-Dade County.

The ordinance will not have a fiscal impact to Miami-Dade County. However, wholesale customers may incur expenses developing the plans.

A handwritten signature in black ink, appearing to read "G. M. Burgess", written over a horizontal line.

Assistant County Manager

Fis00206



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 5, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 7(D)

Veto _____

12-05-06

Override _____

ORDINANCE NO. _____

ORDINANCE CREATING SECTION 32-83.1 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING FOR PUBLICLY OWNED WATER DISTRIBUTION SYSTEMS TO PREPARE WATER CONSERVATION PLANS AND SUBMIT SAME TO THE COUNTY; PROVIDING ENFORCEMENT PROCEDURE AND REMEDY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 32-83.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows¹

>>32-83.1 Water Conservation Plans

A) Submission of Water Conservation Plan

Every publicly owned or operated water distribution system supplied potable water, in whole or in part, by Miami-Dade County, shall submit a water conservation plan to the County. All water conservation plans submitted must comply with the South Florida Water Management District Basis of Review for Consumptive Use Permit Application and the Florida Department of Environmental Protection Conserve Florida Guide, as well as the Environmental Protection Agency WaterSense Program. Said Plan shall be updated for the County's approval every five years following submittal and Conserve Florida Guide generated reports shall be filed annually at the close of the fiscal year. All water conservation plans submitted shall consider a twenty year horizon. In the event a publicly owned or operated water distribution system fails to provide its water

¹ Words Stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

conservation plan by the close of the fiscal year, the County shall determine and establish the conservation measures to be implemented by said system and the amount of water supplied to such system by the County which could be conserved via implementation of such measures, and such system shall be bound by such determination and the publicly owned or operated water distribution system shall be subject to the provisions in subsection (B).

B) Enforcement; procedure; remedies

Where the County has, pursuant to Subsection (A), established the conservation measures and the amount of water supplied to a water distribution system which could be conserved through the implementation of such measures, the owner or operator of such system shall be required to pay additional fees, in accordance with the Miami-Dade Water and Sewer Department's schedule of rates, fees and charges, as amended, for continued use of the water which could be conserved through implementation of the specified conservation measures. The Miami Dade Water and Sewer Department shall develop a water conservation plan for the water distribution system documenting the proposed measures, best management practices and projected water savings. <<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention and the word "ordinance" may be changed to "section", "article" or other appropriate word.

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Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:



David M. Murray