# MEMORANDUM

B & F
Agenda Item No. 2L

**TO:** Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

**DATE:** April 15, 2008

**FROM:** R. A. Cuevas, Jr.
County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to reinstate language prohibiting municipal water and sewer utilities from charging a surcharge

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.

R. A. Cuevas, Jr.
County Attorney

RAC/up

# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: May 6, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No.

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

2

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No.

5-6-08

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REINSTATE LANGUAGE PROHIBITING MUNICIPAL WATER AND SEWER UTILITIES FROM CHARGING A SURCHARGE TO CONSUMERS LOCATED OUTSIDE THE CITY BASED ON WATER SURCHARGES IMPOSED BY THE CITY OF NORTH MIAMI

**WHEREAS**, the City of North Miami ("the City ") provides water and sewer services to consumers residing both inside and outside the cities; and

**WHEREAS**, in 1992, the Florida Legislature amended section 180.191, Florida Statutes, to allow a city to exempt itself from county rate regulation so long as the city charged the same rates, fees and charges to consumers both within and outside the city; and

**WHEREAS**, prior to 1998, cities located in constitutional home rule charter counties, such as Miami-Dade County, that operated a water and sewer utility were prohibited from adding a surcharge to water and sewer charges of consumers outside the city's boundaries; and

**WHEREAS**, in 1998, the Florida Legislature amended section 180.191, Florida Statutes, to remove the prohibition on cities located in constitutional home rule charter counties that operated a water and sewer utility from adding a surcharge to water and sewer charges of consumers outside the city's boundaries; and

**WHEREAS**, since the 1998 legislative change, the City has imposed a surcharge on consumers located outside the City, including consumers that live within the unincorporated area of Miami-Dade County; and

**WHEREAS**, the surcharge results in unfairness to consumers living outside the City's boundaries when they have no representation, voice or input into the City's decisions on water rates; and

**WHEREAS**, this Board is currently considering a resolution sponsored by Commissioner Barbara Jordan urging the Florida Legislature to reinstate language prohibiting municipal water and sewer utilities located within charter counties that operate water and sewer utilities from charging a surcharge to consumers located outside the cities based on a water surcharge imposed by the City of North Miami Beach on such consumers; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

Section 1. Urges the Florida Legislature to reinstate language prohibiting municipal water and sewer utilities located within charter counties that operate water and sewer utilities from charging a surcharge to consumers located outside the cities, based on a water surcharge imposed by the City of North Miami on such consumers.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor; the Senate President; the House Speaker; and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 and 2009 state legislative packages.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

| | |
|---|---|
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairman thereupon declared the resolution duly passed and adopted this 6th day of May, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty