MEMORANDUM

Agenda Item No. 11(A)(31)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	March 2, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT**	Resolution urging the Florida Legislature to pass SB 372 or similar legislation reinstating language prohibiting certain municipal water and sewer utilities from charging a surcharge to consumers located outside the City as "taxation without representation"

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 2, 2010

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

SUBJECT: Agenda Item No. 11(A)(31)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(31)
3-2-10

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS SB 372 OR SIMILAR LEGISLATION REINSTATING LANGUAGE PROHIBITING CERTAIN MUNICIPAL WATER AND SEWER UTILITIES FROM IMPOSING A SURCHARGE ON CONSUMERS LOCATED OUTSIDE THE CITY AS "TAXATION WITHOUT REPRESENTATION"

WHEREAS, the City of North Miami Beach Water and Sewer Utility ("the City") provides water and sewer services to consumers residing both inside and outside the City; and

WHEREAS, the City serves more consumers that reside outside the City than live within the City; and

WHEREAS, there are other municipalities in Miami-Dade County that provide water to customers outside their city limits; 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, at the time, the City of North Miami Beach was the only city in the state to which the 1998 legislative change applied; 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 City also has raised its rates for all consumers, including those consumers the City has required to pay the surcharge; and

WHEREAS, the surcharge imposed outside the City results in "taxation without representation" and unfairness to consumers living outside the City's boundaries when they have no representation, voice or input into City decisions; and

WHEREAS, a bill has been filed for consideration during the 2010 session, SB 372 by Senator Frederica Wilson, that would reinstate language prohibiting municipal water and sewer utilities located in counties with a population of more than 1.5 million people from charging a surcharge to consumers located outside the city,

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 pass SB 372 or similar legislation that would reinstate language prohibiting municipal water and sewer utilities located in counties with a population of more than 1.5 million people from charging a surcharge to consumers located outside the city.

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 authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of March, 2010. 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