



MEMORANDUM

GO
Agenda Item No. 2(K)

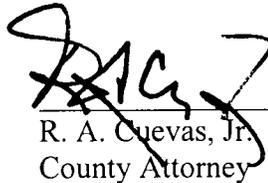
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 13, 2010

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

SUBJECT: Resolution amending resolution No.
R-1164-04 relating to water and
sewer billing

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: April 6, 2010

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

SUBJECT: Agenda Item No.

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.
4-6-10

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION NO. R-1164-04 RELATING TO WATER AND SEWER BILLING; REQUIRING THE MIAMI-DADE WATER AND SEWER DEPARTMENT TO ISSUE A ONE-TIME LIFETIME BILLING ADJUSTMENT WHEN THE WATER CONSUMPTION RATE FOR A SINGLE-FAMILY RESIDENTIAL CUSTOMER EXCEEDS SIX (6) TIMES THE AVERAGE QUARTERLY CONSUMPTION BASED ON THE PAST YEAR'S CONSUMPTION REGARDLESS OF WHETHER OR NOT THE PROPERTY HAS A CONCEALED LEAK

WHEREAS, Resolution No. R-1164-04 provides a one time lifetime adjustment for a Miami-Dade Water and Sewer Department quarterly customer who receives a bill that exceeds six (6) times the past year's average quarterly consumption due to a concealed leak; and

WHEREAS, an adjustment to the bill for 100% of the excess water and sewer charges above the average consumption is given if the quarterly customer makes the necessary repairs to its plumbing and provides the information required by the Department's Rules and Regulations; and

WHEREAS, the Board is aware of instances where a quarterly customer has received an unusually high bill but is not entitled to an adjustment because the customer cannot show that the high bill is due to a concealed leak; and

WHEREAS, a quarterly customer that receives an unusually high bill may minimize their costs if they received monthly bills; and

WHEREAS, the Miami-Dade Water and Sewer Department has more than 400,000 customers that receive quarterly bills; and

WHEREAS, this Board finds it is not economically feasible to convert the Department's billing system to enable all customers to receive monthly bills; and

WHEREAS, this Board desires to provide relief to quarterly single-family residential customers that receive a bill that exceeds six (6) times the past year's average quarterly consumption but is unable to show the Department that it is due to a concealed leak; and

WHEREAS, adjustments shall be made retroactive to billings rendered on July 1, 2007 for any quarterly single-family residential customer that meets the threshold criteria for an adjustment, disputed the bill and requested an administrative hearing in which the customer did not prevail,

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

Section 1. The Miami-Dade Water and Sewer Department shall provide a one-time lifetime billing adjustment to a quarterly single-family residential customer who disputes a bill that exceeds six (6) times the past year's average quarterly consumption whether or not the high bill is due to a concealed leak.

Section 2. The customer seeking an adjustment must be in good standing with the Department which is defined as not having water disconnected for nonpayment or the account placed in collection during the previous 12 months. The Department shall keep track of adjustments to ensure that a quarterly single-family residential customer only receives one lifetime adjustment under this Resolution.

Section 3. The provisions of this Resolution shall be retroactive to billings rendered as of July 1, 2007. Retroactive adjustments shall be given to any quarterly single-family residential customer that received a bill that exceeds six (6) times the past year's average quarterly consumption, disputed the bill and requested an administrative hearing in which the customer did not prevail.

Section 4. The County Mayor shall take appropriate action to implement this Resolution which amends Resolution No. R-1164-04.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. 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 6th day of April, 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.



Henry N. Gillman

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