

**MEMORANDUM**

GO  
Agenda Item No. 2(A)

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

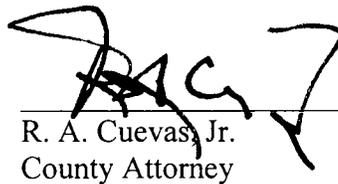
**DATE:** July 13, 2010

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

**SUBJECT:** Ordinance relating to the  
Miami-Dade Water and Sewer  
Department; amending Sec. 2-  
341 of the Code; establishing  
County policy that for  
prospective fiscal years retail  
water and wastewater rates  
shall be adjusted based on  
consumer price index

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Prime Sponsor Commissioner Bruno A. Barreiro.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



Date:

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

From: George M. Burgess   
County Manager

Subject: Ordinance amending Section 2-341 of the Code of Miami-Dade County establishing retail water and wastewater rates be adjusted on consumer price index

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The proposed amendment establishes that retail and wastewater rates shall be adjusted by the Consumer Price Index- All Urban Consumers: Water and Sewerage Maintenance- U.S. City Average.

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. Currently, on an annual basis, the department adjusts and incorporates such changes into the proposed budget. The Board of County Commissioners considers these fee adjustments as part of the annual budget process.

  
Assistant County Manager



**MEMORANDUM**  
(Revised)

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

**DATE:** May 18, 2010

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

**SUBJECT:** Agenda Item No. 4(D)

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

Agenda Item No. 4 (D)

Veto \_\_\_\_\_

5-18-10

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AMENDING SECTION 2-341 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING COUNTY POLICY THAT FOR PROSPECTIVE FISCAL YEARS RETAIL WATER AND WASTEWATER RATES SHALL BE ADJUSTED BASED ON CONSUMER PRICE INDEX; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, Miami-Dade County’s Water and Sewer Department operates a countywide water and sewer system which includes the provision of utility services to over 418,000 retail water customers and 336,000 retail wastewater customers; and

**WHEREAS**, the continuation of efficient and high quality water and sewer service is crucial to the health, safety and welfare of the utility’s retail customers; and

**WHEREAS**, from Fiscal Year 2006-07 through Fiscal Year 2009-10, this Board has approved Miami-Dade Water and Sewer Department’s proposed adjustment to retail water and wastewater rates based on the United States Department of Labor, Bureau of Statistics, Consumer Price Index (CPI), All Urban Consumers, Water and Sewerage Maintenance, U.S. City Average, to support increased operations and maintenance costs; and

**WHEREAS**, in order to ensure adequate net revenues to pay for inflationary increases in operations and maintenance costs of the water and sewer system, this Board wishes to establish as its policy that for all prospective fiscal years retail water and wastewater rates shall be adjusted based on the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index, All Urban Consumers, Water and Sewerage Maintenance, U.S. City Average (“CPI”), to support operations and maintenance costs,

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

Section 1. The foregoing recital is incorporated in this ordinance and is approved.

Section 2. Section 2-341 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

Sec. 2-341. Establishing Department; Director; organization>>\_;<< ~~[[and]]-employees>>~~  
and annual rate adjustment<<

>>(a)<< There is hereby created and established a County department to be known as the Miami-Dade Water and Sewer Department (hereinafter called "Department"). The Department shall be an agency Countywide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Miami-Dade County and shall have the responsibility to develop and operate a Countywide water and sewer system for the purpose of providing potable water, sewage collection and disposal and water pollution abatement to the citizens of Miami-Dade County. The Director of the Department shall be appointed by the County ~~[[Manager]]~~ >>Mayor<< subject to the approval of the Board of County Commissioners and shall serve at the will of the County ~~[[Manager]]~~ >>Mayor<<. The organization and operating procedures and any future name changes of the Department shall be prescribed by administrative orders and regulations of the ~~Manager~~ >>Mayor<<. The ~~[[Manager]]~~ >>Mayor or the Mayor's designee<< shall appoint such employees as may be necessary to operate the Department. The salaries and compensation of all personnel shall be determined by the County Commission upon recommendation of the ~~[[Manager]]~~ >>Mayor or the Mayor's designee<<.

>>(b) Beginning in Fiscal Year 2011, retail water and wastewater rates shall be adjusted based on the annual index change for the just ended calendar year for the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI), All Urban Consumers, Water and Sewerage Maintenance, U.S. City Average (or any successor index established by the United States Department of Labor) available on October 1 ("CPI Adjustment"). The CPI Adjustment shall be applied to the water and sewer rates effective annually on October 1. Additional revenues generated from the application of the CPI Adjustment in each Fiscal Year shall be utilized solely to pay increased operation and

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<sup>1</sup> 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.

maintenance costs of the Miami-Dade Water and Sewer Department. The County Mayor or the Mayor's designee shall incorporate the CPI Adjustment in effect at the time into the County proposed budget and Miami-Dade Water and Sewer Department Schedule of Rates, Fees and Charges for each Fiscal Year which shall be revised to reflect the actual CPI Adjustment in effect on October 1 if different from the CPI Adjustment used in the proposed budget. <<

Section 3. 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 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Section 2 of this ordinance and 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.

Section 5. 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:

Henry N. Gillman

Prime Sponsor: Commissioner Bruno A. Barreiro