

MEMORANDUM

Agenda Item No. 7(G)

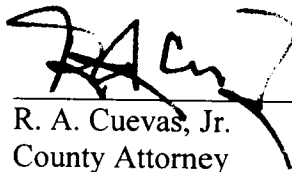
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: (Second Reading 12-7-10)
October 5, 2010

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

SUBJECT: Ordinance amending Section
32-92 of the Code establishing
County policy providing for
tenants to receive water and
sewer service through a bridge
account not to exceed 6 months
where multi-unit property is
served by one meter and
property owner's account is
terminated for nonpayment

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson and Co-Sponsors Commissioner Audrey M. Edmonson. and Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney


RAC/up

Memorandum



Date: December 7, 2010

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

From: George M. Burgess 
County Manager

Subject: Ordinance relating to the Miami-Dade Water and Sewer Department; amending
section 32-92 of the Code

The proposed amendment allows tenants in multi-unit properties served by one meter to establish a bridge account with the Miami-Dade Water and Sewer Department (MDWSD) for a period not to exceed six (6) months where the property owner's account has been terminated for nonpayment will have no fiscal impact to the County. The Department expects that this ordinance will have a limited applicability to their customer base. The department should be able to absorb any additional operational and administrative impact with existing staff.



Susanne M. Torriente,
Sustainability Director

Fis0411



MEMORANDUM

(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 7(G)

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. 7(G)
12-7-10

ORDINANCE NO. _____

ORDINANCE RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AMENDING SECTION 32-92 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING COUNTY POLICY PROVIDING FOR TENANTS TO RECEIVE WATER AND SEWER SERVICE THROUGH A BRIDGE ACCOUNT NOT TO EXCEED SIX MONTHS WHERE MULTI-UNIT PROPERTY IS SERVED BY ONE METER AND PROPERTY OWNER'S ACCOUNT IS TERMINATED FOR NONPAYMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County's Water and Sewer Department requires that when multiple units are served through the same meter, the water service account must be in the name of the property owner, who must accept full responsibility for all service rendered ; and

WHEREAS, throughout Miami-Dade County, many property owners of multi-unit dwellings collect rent from their tenants, which includes a charge for water and sewer service; and

WHEREAS, from time to time, some property owners of multi-unit dwellings fail to pay their Miami-Dade County Water and Sewer Department bills and their accounts become delinquent; and

WHEREAS, after providing notice of the delinquency of the property owner's account, Miami-Dade County's Water and Sewer Department has the right to terminate water service to the building; and

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WHEREAS, the tenants of such multi-unit dwelling, who have been paying for water and sewer service through their rent will be damaged and may be forced to leave their rental units; and

WHEREAS, in order to ensure that the tenants in multi-unit dwellings are not damaged as a result of the property owner's failure to pay the water and sewer bills despite receiving payment for such services from the tenants of the multi-unit dwelling, this Board desires to establish as its policy that such tenants continue to receive water and sewer service for a period not to exceed six (6) months through creation of a bridge account; and

WHEREAS, this policy shall be implemented through the Miami-Dade County's Water and Sewer Department's Rules and Regulations ,

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

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

Section 2. Section 32-92 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Sec. 32-92. Delinquent account notification service for rental property

(a) The Department shall establish procedures to notify property owners and/or managers of delinquent accounts.

(b) Subscribers to this service shall pay in advance an annual fee of three dollars (\$3.00) per monthly account and two dollars (\$2.00) per quarterly account.

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.

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>>(c) Tenants who reside in multi-unit property served by one meter may establish a bridge account with the Department for water and sewer service for a period not to exceed six (6) months where the property owner's account is terminated for nonpayment. The Department shall establish procedures for the administration of bridge accounts with tenants that meet specified conditions.<<

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 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.

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:

Sarah E. Davis

Prime Sponsor Commissioner Katy Sorenson
Co-Sponsors: Commissioner Audrey M. Edmonson
 Commissioner Rebeca Sosa

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